NOTE

This Microfiche meets the quality requirements of the American National Standard for Microfiche of Documents (ANSI PH5.9-1975). However, because of imperfections in the document from which it was made, it contains images that are illegible or difficult to read. The source document for this microfiche is the best copy that could be obtained prior to filming.

CIS

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS FOR 1991

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

SUBCOMMITTEE ON THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

SIDNEY R. YATES, Illinois, *Chairman*

JOHN P. MURTHA, Pennsylvania
NORMAN D. DICKS, Washington
LES AuCOIN, Oregon
TOM BEVILL, Alabama
CHESTER G. ATKINS, Massachusetts
RALPH REGULA, Ohio
JOSEPH M. McDADE, Pennsylvania
BILL LOWERY, California

D. NEAL SIGMON, KATHLEEN R. JOHNSON, ROBERT S. KRIPOWICZ, and LORETTA BEAUMONT, *Staff Assistants*

PART 7

TESTIMONY OF PUBLIC WITNESSES FOR INDIAN PROGRAMS

Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PRINTING OFFICE

30-252 O WASHINGTON : 1990

H181-58

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

COMMITTEE ON APPROPRIATIONS

JAMIE L. WHITTEN, Mississippi, *Chairman*

WILLIAM H. NATCHER, Kentucky
NEAL SMITH, Iowa
SIDNEY R. YATES, Illinois
DAVID R. OBEY, Wisconsin
EDWARD R. ROYBAL, California
LOUIS STOKES, Ohio
TOM BEVILL, Alabama
BILL ALEXANDER, Arkansas
JOHN P. MURTHA, Pennsylvania
BOB TRAXLER, Michigan
JOSEPH D. EARLY, Massachusetts
CHARLES WILSON, Texas
LINDY (MRS. HALE) BOGGS, Louisiana
NORMAN D. DICKS, Washington
MATTHEW F. McHUGH, New York
WILLIAM LEHMAN, Florida
MARTIN OLAV SABO, Minnesota
JULIAN C. DIXON, California
VIC FAZIO, California
W. G. (BILL) HEFNER, North Carolina
LES AuCOIN, Oregon
DANIEL K. AKAKA, Hawaii
WES WATKINS, Oklahoma
WILLIAM H. GRAY III, Pennsylvania
BERNARD J. DWYER, New Jersey
STENY H. HOYER, Maryland
BOB CARR, Michigan
ROBERT J. MRAZEK, New York
RICHARD J. DURBIN, Illinois
RONALD D. COLEMAN, Texas
ALAN B. MOLLOHAN, West Virginia
LINDSAY THOMAS, Georgia
CHESTER G. ATKINS, Massachusetts
JIM CHAPMAN, Texas

SILVIO O. CONTE, Massachusetts
JOSEPH M. McDADE, Pennsylvania
JOHN T. MYERS, Indiana
CLARENCE E. MILLER, Ohio
LAWRENCE COUGHLIN, Pennsylvania
C. W. BILL YOUNG, Florida
RALPH REGULA, Ohio
VIRGINIA SMITH, Nebraska
CARL D. PURSELL, Michigan
MICKEY EDWARDS, Oklahoma
BOB LIVINGSTON, Louisiana
BILL GREEN, New York
JERRY LEWIS, California
JOHN EDWARD PORTER, Illinois
HAROLD ROGERS, Kentucky
JOE SKEEN, New Mexico
FRANK R. WOLF, Virginia
BILL LOWERY, California
VIN WEBER, Minnesota
TOM DeLAY, Texas
JIM KOLBE, Arizona
DEAN A. GALLO, New Jersey

FREDERICK G. MOHRMAN, *Clerk and Staff Director*

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS FOR 1991

TESTIMONY OF PUBLIC WITNESSES FOR INDIAN PROGRAMS

WEDNESDAY, MARCH 14, 1990.

Mr. ATKINS [acting chairman]. The hearing will come to order.

We're taking testimony from public witnesses on the Indian programs today. We have a long list of witnesses. The list is posted out front if you want to know the time that you are scheduled to speak. We have five minutes allotted for each witness. All of your prepared statements will be put into the record, so you will have that opportunity. I will ask the witnesses to be brief if they can. The briefer you are in your remarks, the easier it is for us to have questions which will be helpful for the Committee in terms of making our determinations on matters.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

GORDON DICKIE, CHAIRMAN, MENOMINEE TRIBE
GLEN MILLER, VICE CHAIRMAN, MENOMINEE TRIBE

Mr. ATKINS. The first witness is Gordon Dickie, the chairman of the Menominee tribe. I'll just say, Mr. Dickie, before you start, I had the opportunity when I was in college to visit your big sawmill operation. I was very impressed by the work. I'm sure it has changed significantly in the intervening years. Go ahead.

Mr. DICKIE. Thank you very much, Mr. Chairman.

My name is Gordon Dickie. I'm the chairman of the Menominee tribe of Wisconsin. We filed a statement with your Committee, so I'll make my remarks very brief.

We started the statement out by pointing out the accountability of the tribe. When we took over in permanent Government in 1979, we found that the records were in a deplorable state. One of the top priorities was to make sure that we could account for all the money coming into the tribe and expended by the tribe, whether it was Federal, State, or tribal funds. We have accomplished this and are quite proud of the fact.

In our last audit, for example, in 107 different ledgers, the only question was an $8.00 expenditure. We have since then checked that out and found out where the mistake was.

The second item was $150,000 requested for land acquisition. During termination, the tribal enterprise, which is a sawmill operation, carried 95 percent of the tax burden for the county. Towards the end, after 12 years, cash flow was a big problem. In fact, the operation faced bankruptcy.

In the meantime, however, on termination day of 1961, $3,000 income bonds were issued to each tribal member in lieu of the stumpage payments. Tribal members used those bonds for the most part to purchase lots and parcels of land where their homes and improvements were located. Of course, they then became subject to taxation by the county.

As time went on, the county taxes continued to increase until now we have quite a large number. In fact, there are approximately 200 lots and parcels of land that are in the process of either being foreclosed or that already have been foreclosed on tax liens.

We would like to repurchase those lands and return them to tribal ownership. The problem that we face is a financial problem. We don't have the money to do it. The other problem is, of course, the checkerboard nature of the reservation, we spend much more because it already has been checkerboarded. This creates legal problems, a question of jurisdiction, and increases of cost to the tribe.

The next item is the conservation program. This has absolutely nothing to do with the situation in northern Wisconsin. The conservation program on the reservation came to light over 10 years ago, and we wanted to develop within our own tribe rules and regulations to preserve and perpetuate the fish and wildlife. After a long struggle, we were able to convince the tribe that this was the proper way to go, and so we have now adopted a conservation code with rules and regulations which limit the catch of fish and the harvesting of deer and other wildlife.

Unfortunately, we do not have the funds to provide for implementation of the program itself. We are requesting additional funds from the Committee. I've been asked the question, "Why don't you use tribal funds for this purpose?" We are subsidizing any number of programs. We are subsidizing the law and order program in the prosecutor's office on the reservation. We also subsidize recreational programs for the youngsters to try to get them off the streets. We subsidize a war against drugs and alcohol. Among our elders that can't qualify for assistance from any other source, we subsidize the repair and improvement on their homes. Our indigent people that have a death in the family, we subsidize that and help them through.

This can go on and on and on, the reasons why we do not have the funds to buy back the land that is being foreclosed. Incidentally, in our war against drugs we made an all-out effort to attack this problem. It is a tragic situation. Drugs continue to pour into the reservation. We haven't been able to stop that. We win a skirmish here and there, but we're not winning the war. It is deplorable; we continue to fight it.

In fact, very shortly, we'll have a full week dedicated just to promoting anti-drug programs. We'll have a special edition of the tribal newspaper for the purpose of educating our people to the harmful effects of drugs and alcohol.

We have what you might call a halfway house. We're spending thousands of dollars supporting that, so that we can bring people in to at least have a chance of recovery. In addition to that we have developed a drug-free workforce. Random drug testing is taking place among all of our employees. The housing department, which is a separate entity, has asked to join us, and we are more than happy to accommodate them. This all means that the tribe has to expend more and more of their own money to support this.

I would like to turn the other remarks on conservation over to my colleague if you don't mind.

Mr. MILLER. Good morning, Mr. Chairman. My name is Glen Miller. I'm the vice chairman for the Menominee tribe of Wisconsin.

Mr. ATKINS. You have a minute and a half left.

Mr. MILLER. I would just like to state that our conservation program has been struggling since 1973 to be competitive with other Indian tribes in Wisconsin as far as the advancement of their programs. We have been funded at a base budget of $106,000 per year. We, at this time, have six officers in an office room of space about 12 x 20 probably, the size of this table, that houses our conservation department.

We are lacking very severely equipment that is not up to date. We don't have the law enforcement equipment that other conservation officers and agencies in the State have. We are just as qualified as all of the conservation agencies in the State of Wisconsin, including the Wisconsin Department of Natural Resources who many times come to our office and agency for assistance in cooperative studies in management and cooperative management programs. They are very pleased with our cooperative efforts that we do provide with them.

We have a non-Indian population now who is demanding that we be just as consistent with the State programs with regard to fish management, and game management which we are doing at this time. However, because of the lack of funding, we are seeking full funding in the amount of the $389,000, which will bring us consistently in line with other funding agencies and meet the needs of the tribe.

We also have a request for $150,000, which would be for facilities and is a separate proposal at this time. We would ask that the Committee seriously consider our shortfalls.

Thank you.

Mr. ATKINS. Thank you very much. We'll give every consideration to that. I know that land well, and it's beautiful country. We'll do what we can.

Mr. MILLER. Thank you.

Mr. DICKIE. One comment that I'd like to make. We're the only tribe in the State of Wisconsin that has developed a program of this kind. The other thing is that when our tribal members leave the reservation to hunt and fish, they buy permits, licenses from the State, and abide by the laws of the State.

Mr. ATKINS. Thank you.

[The prepared statement of Mr. Dickie follows:]

TESTIMONY, MENOMINEE INDIAN TRIBE OF WISCONSIN
GORDON DICKIE, SR., CHAIRMAN
KESHENA, WI 54135

Dear Mr. Dickie:

The Menominee Indian Tribe of Wisconsin, Finance Department, has a staff of twelve employees that maintain the financial records for the Tribe. We have an IBM/36 computer with double entry, encumbrance and accrual system of accounting. Separate journals and ledgers are kept for each contract/ grant with the ability to consolidate at various levels.

The total dollar amount of funds administered by the Tribe for FY 1989, was 13.3 million which included 9.6 million in contracts/grants and 3.7 million in Tribal funds. These funds are accounted for in 107 separate ledgers: 63 for various contracts and grants, 44 that account for tribal budgets. Our single audit for FY 1989 had question costs of merely $8.00. This control over expenditures is due to our compliance with the accounting procedures outlined in the Tribe's accounting manual which covers the stringent standards imposed by various funding agencies.

The small amount of questioned costs in FY 89 is not an isolated example of our ability to manage funding. Single Audits for previous years reported question costs as follows:

FY 88	$ -0-
FY 87	168.98
FY 86	69.98

Kathy Kaquatosh, Director Kathy Kaquatosh

The following Resolution No. 90-12 was adopted by the Tribal Legislature:

WHEREAS, the Menominee Tribal Legislature is the governing body of the Menominee Indian Tribe of Wisconsin; and

WHEREAS, through the Termination process, lands were transferred out of tribal ownership; and

WHEREAS, it is the continuing goal of the Menominee Tribal Legislature to reacquire as much land as possible to be transferred to the United States government in trust for the Menominee Indian Tribe of Wisconsin; and

WHEREAS, there is continually land for sale within the Menominee Reservation boundaries; and

WHEREAS, the Menominee Indian Tribe does not receive an allocation of funds for repurchase of ancestral lands; and

WHEREAS, it is the desire of the Menominee Tribal Legislature to seek funding wherever possible for the repurchase of lands within the Menominee Reservation boundaries.

NOW, THEREFORE, BE IT RESOLVED, that the Menominee Tribal Legislature, on behalf of the Menominee Indian Tribe of Wisconsin, does hereby request the allocation of $150,000 for the repurchase of ancestral Menominee Lands.

The Menominee Indian Tribe of Wisconsin is seeking full funding to address the Conservation Enforcement needs and fish and wildlife management programs on the Menominee Reservation in the amount of $397,868. A separate proposal for a Conservation Facility is also submitted in the amount of $150,000.

The Menominee Reservation contains the largest Indian resource and land base east of the Mississippi River. Conservation Enforcement and management capabilities are not adequate to address the current resource problems or concerns.

Fish and Wildlife management has been tended to on a piecemeal basis. The conservation code requires a big game tagging and registration station which is not available. Habitat restoration and beaver control are essential concerns.

The Menominee Conservation Enforcement personnel have attempted to provide fish and wildlife services. They have conducted game transects and fishery surveys with limited assistance from the U.S. Fish and Wildlife Service.

Menominee, with the assistance of the Bureau of Indian Affairs initiated a "graduate study" program to address their beaver problem. The Menominee tribal member conducting the study will soon graduate with a masters degree in wildlife and a bachelors degree in fisheries.

Neither the tribe nor the BIA have any available funding to establish a fish and wildlife program and retain our graduate student now that he has a fish wildlife education. It is necessary to begin monitoring our fish and wildlife population dynamics in order to make informed decisions regarding harvest regulations and management initiatives.

There are several immediate priorities that our fish and wildlife biologist would incorporate into program development:

1. Establish a deer and bear registration program as required by the Menominee Conservation Code.
2. Develop an integrated Natural Resources Management Plan.
3. Implement waterfowl projects identified in the Minneapolis Area "Circle of Flight" tribal waterfowl initiative.
   MENOMINEE WATERFOWL PROJECTS ARE ATTACHED.
4. Participate as a professional agency in the Shawano Dam Hydro-Electric Relicensing project and studies.
5. Upgrade fish culture facilities. Menominee has applied unsuccessfully for three years for BIA fish hatchery, rehabilitation and cyclical maintenance funds.
6. Establish fish and wildlife population baseline data base.

The fish and wildlife resources of the Menominee Reservation have been neglected for too long. We finally have the expertise to carry out evolving resource management roles and responsibilities and to interface with other jurisdictions on a government-to-government basis.

The Menominee Tribal Legislature has subsidized this program for the past four years with $240,000 of tribal revenues. There continues to be threats made on our gaming ventures and this vital cash may either vanish or be seriously diminished. The Conservation Building proposal is merely intended to address the office and storage space needs for the Conservation Department which has been an unmet need for nearly ten years.

Education/Tribe Agency:

Continuing education costs have risen at a rate of approximately 15% a year in Wisconsin for the past 5 years. The number of active Menominee higher education students has also increased at a similar rate. The Indian Priority System (IPS) does not apply to Indian students attending state colleges or universities. Our students do not benefit from supplemental funds provided to Tribal Colleges. A decrease in BIA Scholarship monies will have an adverse financial effect on all Indian continuing education students by placing a greater financial burden on them in order to meet the rising cost of education. Resorting to loans is not the answer for Indian students and this is what the result will be with the proposed decrease.

Tribal Administration/Technical Assistance:

One of the Menominee Indian Tribe of Wisconsin's functions supported under this category is the enrollment of tribal members. The responsibilities include not only determining eligibility of possible new members for enrollment but to maintain an updated tribal roll, certifying/attesting to individuals' membership so that they may have access to benefits, etc. Research is a vital program component and the workload demands a minimum of 2 full-time employees. 1991 Budget for Enrollment at 100% is at $41,100.00. This office has two (2) full-time employees, our salaries and fringe benefits (figuring at 30%) is well over the proposed budget for 1991. To maintain the office we would need a 30% increase. Our fringe benefits have been averaging 34%. This office could use an additional 12,500.00 to adequately maintain this office.

Judicial Services:

Funding for the Menominee Tribal Prosecutor's Office has been identified as $51,586.00 for FY 1991 by the BIA. This funding is insufficient to meet the stated objectives of this Office. This office submitted a proposed budget of approximately $111,400.00. The BIA's amount in this matter is only 46.3% of the needed budget or approximately $59,000.00 under-budgeted. The difference between the needed budget and the BIA amount will need to come from Tribal sources. The budget submitted was reasonable and needed to provide contracted for legal services on the Menominee Indian reservation. The large number of cases handled by the Prosecutor's Office necessitated the hiring of a full-time assistant prosecutor who is an admitted member of the Bar. The Menominee Tribe is one of few Indian Reservation's which has criminal jurisdiction. An expanding court system and prosecutor's office are needed to increase the orderly administration of justice on the Menominee Indian Reservation. This will increase the Tribe's level of self-reliance in the adjudication of legal matter while working to insure sovereignty.

Indian Priority System:

The general consensus about his budgeting mechanism is that is inadequate in its ability to identify tribal funding needs. Its major drawback is that is does not assist tribes in the most fundamental area of raising total allocations. No matter how a tribe makes internal decisions about program priorities if the bottom line never increases all that happens is dollars get shuffled around.

Testimony
Menominee Indian Tribe of Wisconsin
Glen Miller, Vice Chairman
Keshena, WI 54135

Mr. Chairman:

The Menominee Indians were restored to reservation status in 1973. Since our restoration, we have worked very hard to develop new programs and expand existing programs to meet population growth and demand. However, due to inadequate funding, we are now at a standstill, and our future looks bleak unless Congress supports our plea for program dollars. These new monies would be used to meet program shortfalls and unmet needs. It is simple for us to justify our request when most of our programs are at or near a 50 percent underfunded level.

The Menominee people have great respect and admiration for Congress because of restoration. Thanks to you, we were born again.

Since restoration, we have struggled to meet our constitutional mandate to develop a comprehensive resource management package. We proposed a conservation code to our people that was rejected. Our conservation staff and tribal government did not stop. They proposed a new set of regulations -- spending many hours, months, and meetings. Another vote was taken on October 16, 1986. The Menominee Conservation Code was passed and adopted into tribal law. The code sets seasons, establishes who is eligible, imposes penalties, sets bag limits, prohibits commercialization, and prohibits shining deer. This is the first time in the history of the Menominees that this type of enforcement package is law.

Mr. Chairman, in order that we may in the spirit of self-determination and enhance the policy of government-to-government relationship, we request additional appropriations so that we can continue our efforts to become the managers of a self-sufficient government.

WEDNESDAY, MARCH 14, 1990.

INDIAN HEALTH SERVICE—KIDNEY AND UROLOGIC DISEASES

WITNESS

STUART KLEIT, M.D., NATIONAL KIDNEY AND UROLOGIC DISEASES ADVISORY BOARD

Mr. ATKINS. Dr. Stuart Kleit, National Kidney and Urologic Diseases Advisory Board?

Dr. KLEIT. Thank you, Mr. Chairman. I am Dr. Stuart Kleit, associate dean, clinical affairs at Indiana University's School of Medicine, and chairman of the National Kidney and Urologic Diseases Advisory Board.

The board, as directed by Congress, has been working for the last 30 months to develop the first National long-range plan to combat kidney and urologic diseases. In these efforts, it has been aided by more than 1,000 medical professionals, patients, and members of the public, all of whom took part as consultants, witnesses, and reviewers.

Now completed and issued today, in fact you have the first copy, the plan entitled, "The Window on the 21st Century," provides specific recommendations for the use and organization of natural resources to address the problems revealed by our efforts. I am pleased to share with you highlights from the plan as well as our recommendations for the Indian Health Service.

The plan's recommendations for the next decade are based on the Ford study of the magnitude of kidney and urologic diseases and their courses and consequences. The board held hearings throughout the United States and spent time in November of 1989 in Phoenix, Arizona to review the kidney and urologic disease issues faced by native Americans.

The members of the board visited the National Institute of Diabetes, Digestive, and Kidney Diseases, Phoenix Epidemiology and Clinical Research Center, heard presentations by researchers studying kidney disease among native Americans, discussed the health needs of the native Americans with the Indian Health Service staff, visited the Salt River Indian reservation dialysis unit, and heard first-hand accounts of the impact of end-stage renal disease on native Americans.

The personal testimony the board heard, combined with the staggering data that was presented, clearly illustrate the devastating impact of end-stage renal disease on the native American population.

Currently, kidney disease affects 13 million Americans of all ages from newborn to the elderly. The total financial impact is approximately $50 billion or more than 8 percent of the total spent on all diseases. These expenses are borne by patients, their families, Federal and State Governments, and the tribes themselves. In addition, there is a loss of productivity, which is an important but overlooked course of kidney and urologic disease.

As members of your committee are well aware, end-stage renal disease is a major health concern for native Americans. Although

the data are limited, the following indicate the depth of the problem. In 1987, age- and sex-adjusted incidents of end-stage renal disease in native Americans was more than three times that of white Americans. The greatest difference was in the age group 45 to 64 where there were four times that of white Americans. The mortality rate is about three times what it is for white Americans. Treatment for people with end-stage renal disease is difficult.

I'll close very briefly, Mr. Chairman, by giving you our recommendations. We recommend, based on this extraordinary incidence of end-stage renal disease and the ability to prevent it with treatment, that Congress authorize 10 personnel positions and appropriate an additional $2 million per year to the Indian Health Service to develop a kidney and urologic disease program with the major objective of coordinating improved care for native Americans with this disease.

Thank you.

Mr. ATKINS. Thank you very much.

[The prepared statement of Dr. Kleit follows:]

STATEMENT OF STUART A. KLEIT, D.D.S., M.D.

Chairman, National Kidney and Urologic Diseases Advisory Board

Before the House Subcommittee on Interior and Related Agencies

Appropriations for Kidney and Urologic Diseases-Related
Activities of the Indian Health Service
Wednesday, March 14, 1990

I am Stuart A. Kleit, D.D.S., M.D., associate dean for clinical affairs at the Indiana University School of Medicine and chairman of the National Kidney and Urologic Diseases Advisory Board. I request that this written testimony be entered into the Subcommittee record.

The Board, as directed by Congress and the Secretary of Health and Human Services, has been working for the past 30 months to develop the first national long-range plan to combat kidney and urologic diseases. In these efforts, it was aided by more than 1,000 medical professionals, patients, and members of the public, all of whom took part as consultants, witnesses, or reviewers of our work. Now completed, the plan, entitled "Window on the 21st Century," provides specific recommendations for the use and organization of national resources to address the problems revealed by our efforts. I am pleased to share highlights from the plan as well as our recommendation for the Indian Health Service (IHS) with you. The entire document and executive summary have been provided to your subcommittee.

The plan's recommendations for the next decade are based on the Board's study of the magnitude of kidney and urologic diseases and their causes and consequences. To obtain the information necessary to produce the plan, the Board held public hearings in spring 1988 in Los Angeles, Dallas, Atlanta, Boston, New York, and Chicago as well as a public briefing meeting in Chicago in March 1989. Research background papers were submitted to the Board by expert scientists to assist us in formulating strategies to shape future progress toward the conquest of these diseases. In addition, numerous individuals from diverse institutions across the country offered their invaluable expertise to assist with the development of the plan.

On November 20-21, 1989, the Board met in Phoenix, Arizona, to review the kidney and urologic disease issues faced by Native Americans. The members of the Board visited the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) Phoenix Epidemiology and Clinical Research Facility, heard presentations by NIDDK researchers studying kidney disease among Native Americans, discussed the health needs of Native Americans with IHS staff, visited the Salt River Indian Reservation dialysis unit, and heard first-hand accounts of the impact of end-stage renal disease on Native Americans. The personal testimony the Board heard combined with the staggering data that was presented clearly illustrated the devastating impact of end-stage renal disease on the Native American population.

THE BURDEN OF KIDNEY AND UROLOGIC DISEASES

Although the Board initially had a general appreciation of the burden of kidney and urologic diseases on society, the public testimony presented and the other information gathered brought into sharp focus the profound hardships these diseases impose. The extent of pain, suffering, loss of time from work, disruption of the family unit, and death resulting from kidney and urologic diseases was far greater than the Board members previously had envisioned.

The data we obtained on the incidence, prevalence, and cost of kidney and urologic diseases revealed that there are hundreds of kidney and urologic diseases that affect approximately 13 million Americans of all ages--from the newborn to the elderly. The financial burden of kidney and urologic diseases is staggering--an estimated $50 billion, or more than 8 percent of the total spent on all diseases. These expenses are borne by patients, their families, and Federal and State governments. In addition, loss of productivity is an important but often overlooked cost of kidney and urologic diseases. Time is lost from work for physician visits, hospitalizations, and treatments and because of disability; future earnings are lost when productive members of society die prematurely from these diseases.

Unfortunately, as the population of the United States expands--particularly the 65-and-older segment and minority groups--the cost of kidney and urologic diseases is projected to increase dramatically.

END-STAGE RENAL DISEASE AMONG NATIVE AMERICANS

As the members of this subcommittee are well aware, end-stage renal disease is a major health concern for Native Americans. Although limited data are available, the following indicate the depth of the problem:

- The 1987 age- and sex-adjusted incidence of end-stage renal disease in Native Americans was more than three times that of white Americans. The greatest difference was for persons 45 to 64 years old, where Native Americans experienced four times as many new cases per population as white Americans.
- The direct medical cost of dialysis treatment for chronic renal failure in the American Indian population currently exceeds $33 million annually. These costs are increasing rapidly.
- Diabetes mellitus is the predominant cause of end-stage renal disease in Native Americans. Approximately one-half of Native Americans on dialysis have this diagnosis, more than twice that of white Americans on dialysis.
- The mortality rate for chronic renal failure among Native Americans is 2.6 times the mortality rate for the general U.S. population.
- From 1983 to 1986, the age-adjusted death rate for glomerulonephritis, a condition that frequently leads to kidney failure, was about twice as high for Native Americans as for all other U.S. races combined.

Treatment of end-stage renal disease among Native Americans is complicated by the fact that many patients living in rural areas lack transportation to distant treatment centers. In Alaska, only two dialysis centers provide treatment and no transplant services are available; two nephrologists serve the entire state. Likewise, American Indians on reservations in western states often live great distances from treatment facilities. Patients may need to be transported 100 to 200 miles or more round trip (1 to 4 hours per day) 3 times a week for dialysis. Evaluation of patients and families for kidney transplantation is particularly difficult under these circumstances, and it is hard to sustain ongoing care. Many patients refuse dialysis because of the distance and travel time involved. Furthermore, cultural and language barriers interfere with patients' comprehension of treatment options and the importance of preventive health practices. Transportation costs for Native American dialysis treatments average $2,300 per patient per year, representing nearly one-third of all IHS dialysis costs.

Exacerbating these conditions is the fact that primary health care providers often do not have extensive training in renal disease, and turnover of staff serving Native American communities is high. Community health representatives--

tribal health care workers who serve as liaisons between the community and the health care system--can facilitate care if they have appropriate training.

In view of the extraordinary number of Native Americans with diabetes, diabetes prevention and control is critical to the prevention of end-stage renal disease among this population. In addition to careful monitoring for end-stage renal disease risk factors, community-based education, exercise, and weight-control programs are needed to promote lifestyle changes that will prevent diabetes and decrease the overall devastating toll of end-stage renal disease in this high-risk population.

UROLOGIC DISEASES AMONG NATIVE AMERICANS

No urology program for Native Americans is currently provided by IHS. Of particular concern is the lack of pediatric urology and pediatric nephrology services for Native American children. The scarcity of pediatric urologists and ediatric nephrologists within the United States is particularly acute within the IHS. As a result, conditions such as vesicoureteral reflux, wherein urine in the bladder backs up into the ureters and kidneys, can go undiagnosed and, therefore, untreated in Native American infants and young children. Reflux nephropathy, the injury or scarring of kidneys due to vesicoureteral reflux, is the most common cause of end-stage renal disease in children. Early diagnosis and treatment of this condition can prevent end-stage renal disease, thereby eliminating needless suffering and saving millions of dollars in clinical care costs.

RECOMMENDATION

The members of the National Kidney and Urologic Diseases Advisory Board are deeply concerned about the kidney and urologic disease problems faced by Native Americans. In view of the disproportionately large number of Native Americans with end-stage renal disease, the Board recommends that:

> **Congress authorize 10 personnel positions and appropriate an additional $2 million per year to the Indian Health Service to develop a kidney and urologic disease program with the major objective of coordinating improved care for Native Americans with these diseases.**

Under such a program, an ongoing surveillance system to track renal and urologic disease rates and to evaluate treatment outcomes is of particular importance in augmenting clinical care and coordinating services. Where Department of Veterans Affairs facilities are near Native American communities, cooperative arrangements should be developed to improve access to dialysis and transplantation. The program would ensure that research results are implemented promptly through training and technical consultation, particular questions about renal disease in these populations are investigated, and appropriate preventive strategies are developed and implemented.

The National Kidney and Urologic Diseases Advisory Board 1990 Long-Range Plan: Window on the 21st Century provides for the first time a 10-year plan that can move the United States closer to the goal of conquering kidney and urologic diseases. The Board hopes that the recommendations in the long-range plan will be embraced by those who are affected by, as well as those who can have an effect on, the course of these diseases.

Thank you for the privilege of appearing before this subcommittee. I will be pleased to respond to any questions you may have.

WENDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

RAYMOND MORGAN, CHAIRMAN, BOARD OF REGENTS, HASKELL INDIAN JUNIOR COLLEGE

Mr. ATKINS. Next witness is Raymond Morgan, Haskell Indian Junior College.

Mr. MORGAN. Chairman Atkins, staff people, I'm glad to be here today on behalf of Haskell Indian Junior College. My name is Raymond Morgan. I'm the chairman of the Haskell Indian Junior College Board of Regents.

Haskell Indian Junior College has an enrollment of over 800 students. The students represent over 100 different tribes from across the Nation. We have various programs at the junior college. Last year the Bureau of Indian Affairs increased our budget for the first time. One area specifically that was addressed was the summer school and the natural resources program. We have a very successful natural resources program which is being utilized by the forestry programs throughout the area.

According to the report of the Society of American Foresters, the American Indian comprises one-half of 1 percent of the students enrolled at the professional level in forestry and natural resources programs, so that is over 14,000 students and only 71 are native Americans. We're trying to increase that to where the Indians, when they go back to their reservations, and part of their responsibilities in management at the forestry levels, can go back there with a comprehensive program, they are knowledgeable, and they can be readily accepted into the workforce.

I think that is one area that we've accomplished a lot in in the last couple of years. Throughout this year, we are also being funded again. The funding that they have given us at $150,000 is not going to be quite enough for the program. In past years, they have given us money for the program, but they never gave us the full amount.

Mr. ATKINS. You're looking for an additional $231,000.

Mr. MORGAN. Right. The cost breakdown is attached to it.

Mr. ATKINS. And then you're looking for money for summer school?

Mr. MORGAN. Yes. In the summer school program we are still—what happened, was the fiscal year 1990 budget was put back there, and then in the fiscal year 1991 budget it was deleted again, so we are requesting the restoration of that $300,000 back into the program.

Mr. ATKINS. You're also looking for facilities money?

Mr. MORGAN. Yes. Facilities, specifically in facilities, we're under 3100. It might be possible that we might be going back under 3300 later on, so there might be a possibility of a gain in the cost adjustment or the factors that is in the 3300 budget for facilities.

Also, we would like your support in the area of—there are so many requests of OCM for new construction. We need the Committee's support in that area also.

Mr. ATKINS. As you're aware, money is extremely tight this year. Haskell Indian Junior College is one that this committee has taken a particular interest in. As you know, Congressman Slattery has been very, very active in your behalf.

Mr. MORGAN. Yes.

Mr. ATKINS. We will do the best we can. We appreciate the good work that you are doing out there.

Mr. MORGAN. Thank you. We know that Mr. Slattery and Senator Kassebaum are really supporting that area. We thank you.

Mr. ATKINS. Thank you very much.

[The prepared statement of Mr. Morgan follows:]

STATEMENT OF RAYMOND MORGAN, CHAIRMAN
BOARD OF REGENTS
HASKELL INDIAN JUNIOR COLLEGE
BEFORE THE SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES OF THE HOUSE APPROPRIATIONS COMMITTEE
WEDNESDAY, MARCH 14, 1990

I am here today on behalf of the Board of Regents to thank you for your support of Haskell Indian Junior College. The $544,000 congressional add-on to our FY 1990 is permitting us to offer a summer school program for the first time at Haskell since 1981. We are also able to continue the development of our natural resources program.

This summer school program will benefit our students by giving them the opportunity to expedite the completion of their degree requirements. An eight-week summer session is scheduled from May 7 to June 29. In addition, two four-week sessions will run concurrently with the eight-week session. The first four week session will begin May 7 and run through June 1. The second session will begin June 4 through June 29. We feel this schedule will maximize the students' opportunity to attend. It is expected that over 200 students will take advantage of this summer s educational opportunity.

Enrollment in the natural resources program has increased to 46 students as the demand for American Indian natural resources professionals in this country continues to grow. According to a 1989 report by the Society of American Foresters, American Indians comprise one-half of one percent of students enrolled in professional level forestry and natural resources programs. Specifically, of 14,136 students, 71 are American Indian. In the BIA alone, which has trust responsibilities for 99 forested reservations, there were 57 professional forestry positions unfilled as of 12/89. Currently, only 58 of the BIA's 277 foresters are American Indians (5/89). In addition, the BIA projects the retirement of 49% of their natural resources professionals before the end of 1992. Within the US Forest Service, Native Americans represent less than 2% of the professional natural resources workforce (1989).

During the 1989-90 college year, Haskell student enrollment is approximately 800, representing 125 American Indian tribes from 32 states. The fall, spring and summer enrollments are expected to generate a student Full-Time Equivalent (FTE) of more than 2100.

The effectiveness of our programs in the 1990's will be increased through a comprehensive planning process initiated last spring. This planning process involves faculty, staff, students, Haskell Board of Regents, Alumni, tribes, and the business community. Through this

planning process, we will establish our long-range goals and have an overall strategy for systematic change as we move into the 21st century.

To remain a viable institution of higher education in today's world, we must plan for the 21st century, not the 20th. Our goals must be future-oriented and focus our resources on programs designed to meet the changing needs of our students in the 21st century. A continuation of the status quo is insufficient. We envision a different future for Haskell. Our goals for the future include higher enrollments, program expansions and four-year baccalaureate degree programs.

For the above goals to be fulfilled, the college requires your continued support and assistance in receiving sufficient operational resources. For example, we need additional housing for students. Our residence halls are over-crowded - documenting student demand in Indian country for attendance at Haskell and the need for additional dormitories. Last fall, we housed 100 students over-capacity and denied dormitory space to an additional 100 students. The opening of the renovated Pochontas Hall will assist in relieving the over-crowding, but additional residential hall space is still required.

The college is submitting an application to the Bureau of Indian Affairs for construction funds to build an additional 300 residential hall spaces and request your support in this endeavor.

Our physical plant is in need of modernization, requiring a sizable investment in maintenance and renovation. There are some uncorrected safety deficiences identified in a 1987 Inspector General's Audit report that have not been funded. We request your assistance in securing the necessary funding to correct these safety deficencies.

Adequate funding must be available to accomplish our goals. A history of insufficient funding has severely hampered the College's efforts to provide quality higher education programs for our American Indian students. The college's level of funding has not kept pace with the rate of inflation for the past 12 years. For example, the $544,000 congressional add-on for Haskell in FY 90 was earmarked for a summer school session and new program development. Meanwhile, the college was forced to absorbed the 3.6 percent pay cost increase and other additional costs associated with inflation, further exasperating our efforts to offer quality programs.

The Bureau of Indian Affairs (BIA) is proposing a $394,000 reduction in our FY 1991 funding for Haskell. The BIA is not requesting funding for a summer school and program development. The Board of Regents believes this $394,000 should be restored to permit the continuation of a summer school session and program development at the college.

The summer school benefits students by permitting them to continue their education uninterrupted by a summer break, thereby decreasing attrition rates and expediting their completion of degree programs. Estimated costs for an eight week summer school program are $300,000, which would pay for salaries, food and utilities.

A natural resources program such as Haskell's, which is the only intertribal program serving more than 100 tribes can significantly address the need for educated and trained individuals in the field of natural resources. The college understands the high-risk nature of Indian college students and has designed a program which recruits, retains, and mentors American Indians majoring in natural resources. Funding for this program is imperative if true diversity in the government workforce as a whole is to occur and if American Indians are to be truly responsible for their own lands.

The BIA has requested $150,000 for the natural resources program in FY 1990 and we are grateful for this. We believe, however, that an additional $231,000 is required to keep pace with the projected growth in student enrollment of the program.

Due to budgetary constraints in prior years, Haskell is behind in its instructional program equipment replacement schedule. Consequently, much of our instructional equipment is in need of up-dating and modernization. For the improvement of instruction, it is necessary that $239,000 be provided for equipment acquisition.

The facilities managment budget has remained at approximately the same level of funding since 1986. In order to fully implement a quality prevention and maintenance program for our facilities, an additional $400,000 is required in FY 1991. Currently, unlike other BIA programs, facilities funding is included in Haskell's program appropriation. It is expected, however, that funding for facilities will return to the BIA and Office of Construction Management (OCM), and the facilities funding formula will generate the required funding level. This change will also permit us to receive addtional funding from OCM if needed for special projects.

An additional $770,000 is required for Haskell's summer school, the natural resources management program and instructional equipment. An itemization of these costs is as follows:

PROGRAM	ESTIMATED COSTS
Eight-week summer session	
staff salaries	$144,000
meals	64,000
linen service	4,000
recreation	8,000
utilities	80,000
subtotal	$300,000
Natural Resouces	
staff salaries	$112,543
cost per student (food, housing and facilities) 50 students x $4,144 in FY 91	207,200
Travel	17,000
Telephone	3,617
Supplies, materials, books	25,550
Equipment	15,090
	$381,000
Minus Amount BIA Requested	(150,000)
subtotal	$231,000
Instructional Equipment	
Liberal Arts (Sciences and Humanities)	$128,000
Business	55,000
Vocational-Technical	30,000
Academic Support Center	26,000
subtotal	$239,000
Total	$770,000

The college has evolved and grown from an elementary to a high school and a normal school, to a vocational-technical school, and finally, to a comprehensive junior college. Today, Haskell's mission as an intertribal college is more crucial as tribes and American Indian people are striving for self-determination and self-sufficiency.

In summary, if the college continues to effectively accomplish its mission, sufficient funding must be a priority. Therefore, the Board respectfully requests restoration of the $394,000 proposed reduction in our FY 1991 budget. This will permit continuation of the summer school and very limited program development. Also, another $376,000 is requested to sustain the development of the natural resources program and purchase needed instructional equipment. Consequently, an additional $770,000 is required for Haskell in FY 1991.

Thank you for the opportunity to speak on behalf of Haskell Indian Junior College and for your continued support of our college and Indian education.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

DUANE YAZZIE, CHAIRMAN, BOARD OF REGENTS, SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE

ALFREDA LEE, STUDENT SENATE PRESIDENT

Mr. ATKINS. Southwestern Indian Polytechnic Institute, Alfreda Lee and Duane Yazzie?

Mr. YAZZIE. Good morning, Mr. Chairman and staff. I appreciate this opportunity. SIPI has a population of 400 to 500. This is an annual rate. A couple of years ago, we made an effort to take a comprehensive survey of Indian communities across the country as to what they feel the direction of SIPI should be taking.

We got a very good reading from the Indian tribes around the country as to what we should work on as programs into the next century. As a result, we have developed a long-range, 5-year plan, 10-year plan, and with the $519,000 add-on that we received in fiscal year 1990, which we are very grateful for, we were able to implement our natural resources technology program, and we do have a summer school that we will have for the first time this year.

Our programs are accredited. With the input that we receive from our technical advisory boards, we feel like we are very much abreast of the technology that our Indian people will require to make it into the next century.

Very briefly, the BIA for fiscal year 1991 is asking that there be a budget for $4.1 million. This is a quarter of a million reduction. If we are to implement all of the programs that we need to implement, we need that $273,000 restored and, additionally, we're asking for $600,000 for facilities and upgrade of equipment.

I'd like to give a couple of minutes to Alfreda Lee, who is the Student Senate President.

Thank you, sir.

Ms. LEE. Good morning. My name is Alfreda Lee, and I'm representing the student body of SIPI.

The student senate submits this report in support of the proposal submitted by the SIPI Board of Regents of the total budget of $5.1 million which is required for SIPI to prosper in fiscal year 1991. The students of SIPI recognize that SIPI is a very unique school. It is a vocational institute for native Americans, and it provides an alternative in education for students who wish to be job-ready in a technical field.

SIPI developed a long-range plan and embarked on improving the education of students who attend SIPI. Students are now benefitting from the natural resources technology and entrepreneurship programs. There are electronic and optical technology programs that are accredited on an Associate of Applied Science level.

Equipment has been upgraded in various programs, and there has been improvement of campus facilities. The students will also

be benefitting from the summer program which will be in effect this summer.

First of all, let us recognize that not everybody wishes or has the ability to enter college right after graduation. Some students who come to SIPI are looking for a way to get into the job market as soon as possible with the best technical training.

SIPI is on the threshold of being a fully-accredited technical school and will be in competition with other technical schools, but this school will have a unique difference. It will be representing 70 to 80 different American tribes across the Nation.

Technology is advancing constantly. For SIPI to keep in competition with other trade schools, there are costs that need to be addressed. There are needs such as the implementation of the construction trades program, facility improvements, replacement of kitchen equipment, and restoration of monies.

It is understandable to be here in Washington, D.C. and not comprehend the needs of the students of SIPI on a personal basis. I am here to say to you that we are real people with the need to have the best technical training possible and the opportunity to educate ourselves further in the best environment possible.

We are not just numbers scattered on paper; we are students getting ourselves educated so we can help ourselves and our tribes, respectively.

Self-determination is the key issue concerning American Indians and the Government today. The students of SIPI consider themselves in that struggle, and all we need is the support, and we will finish the rest.

Again, the SIPI student body support the SIPI Board of Regents in its efforts to better our education and provide new programs, facility improvements, and year-round educational technical programs.

Thank you for giving me this opportunity to present this report.

Mr. ATKINS. Thank you, Alfreda. That was a very nice statement. Let me just assure you that in this Subcommittee the students at SIPI will never just be numbers. As I'm sure you're aware, it would have been, I would guess, before your time as a student there, but former Secretary Watt had attempted to close the school altogether, and it was Congressman Yates, the chairman of this Subcommittee, who wasn't able to be here today, who single-handedly stopped that. Since that time, as you know, you have had strong support from this Committee. We're particularly anxious and looking forward to seeing you get your full accreditation. We're very impressed, particularly by the work SIPI has been able to do in getting students placed into the job market. It is a very impressive record.

We appreciate your good work. We appreciate your statement. Again, our resources are limited. If you stay around here for a little while, you'll see that there are many people with many very meritorious cases. It is our unenviable task to try to keep everybody a little bit happy if we can't make anybody fully happy.

Thank you.

Ms. LEE. Thank you.

[The prepared statements of Mr. Yazzie and Ms. Lee follow:]

BOARD OF REGENTS
SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE
P.O. BOX 10146-9169 COORS RD. N.W.
ALBUQUERQUE, NEW MEXICO 87184

STATEMENT OF DUANE YAZZIE
CHAIRMAN, BOARD OF REGENTS
SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE
BEFORE THE SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES ON THE HOUSE APPROPRIATIONS COMMITTEE
WEDNESDAY, MARCH 14, 1990

I am here on behalf of the Southwestern Indian Polytechnic Institute (SIPI), Albuquerque, New Mexico, to report on the progress and plans of SIPI.

Student enrollment is approximately 410, representing 70-80 American Indian tribes from across the Nation. SIPI, a national vocational-technical school, opened its doors to students, September 15, 1971. The school was created to provide Indian students with technical job skills for immediate employment on Indian reservations.

SIPI operates on the philosophy that all of its American Indian students have the potential and capability to achieve worthwhile goals for their future, while retaining their traditional values. SIPI's mission is to train American Indians for vocational-technical jobs. Special emphasis is given to preparing students for useful and productive careers in a technologically oriented society.

In the past several years, SIPI has made significant accomplishments in increasing the vocational-technical quality of the Institute through the development of a Long Range Plan, establishment of a Natural Resource Technology and Entrepreneurship Programs, accreditation of the Electronics and Optical Technology Programs at the Associate of Applied Science (AAS) degree level, establishment of a President's Technical Advisory Board, development of an organizational plan to meet the accrediting requirements of the North Central Association of Schools and Colleges, institution of a Trimester System to operate a year-round program of studies, upgrade of equipment in various programs, development of a plan to accommodate the Disabled Native Americans, and the improvement of facilities on campus.

If SIPI graduates are to serve tribal communities successfully through self-determination, combined with private sector experience, the Board of Regents strongly believes SIPI must implement a vocational-technical program that includes certificates and associate of applied science degree programs in the education training process of American Indian students. The Institute has taken steps to develop cooperative articulation understanding with state colleges and universities.

SIPI has implemented a Natural Resources Technology Program in FY 1989. This program is continuing to make progress and express appreciation and gratitude to this committees' support of the $519,000 Add-On for FY 1990 to continue expansion in the Natural Resources Technology Program, to implement a summer school, to develop a construction trades program, and to replace outdated equipment in program areas.

SIPI's FY 1991 allocation; however, is being requested by the Bureau of Indian Affairs for $4,156,000, a reduction of $273,100 from the FY 1990 budget level. Actually, our FY 1990 budget level was further reduced by the Gramm-Rudman-Hollings Act and no additional funds were appropriated for the 3.6 percent cost-of-living increase. This pattern of year-to-year requests by the Bureau of Indian Affairs at such reduced levels severely hampers the Institute's efforts to implement its Long Range Plan and to operate a year-round program.

The Board of Regents enthusiastically approved the implementation of a summer school in FY 1990. A summer school will more efficiently utilize the chances for success during the regular academic year and permitting an early graduation. Along with a summer program, a pre-college program will be offered. However, insufficient funding for FY 1991 will preclude the offering of a summer school program for our students.

If SIPI's progress is to continue in FY 1991, the restoration of $273,100 is required for implementation of the Long Range Plan and implementation of a summer school. The Board is very concerned that if this funding is not restored, the quality of vocational-technical education, the Institute is able to offer our students, will suffer.

In addition, SIPI plans to replace kitchen equipment that is outdated and currently presenting a safety problem. There is a strong need to budget a minimum of $150,000 for this purpose in FY 1991. The facilities management budget, unfortunately, has also remained at the same level of funding for the past several years and an additional $350,000 is needed to offset the cost of facilities, replacement of worn carpet in buildings, improvements to insure proper maintenance and repair of buildings, equipment, and grounds on the SIPI campus. The need for expansion into the construction trades has to be considered. A minimum of $100,000 is needed for instructional and materials for FY 1991.

An itemization of these costs are as follows:

Program	Estimated Cost
Ten (10) Week Summer School	
Staff Salaries	$210,600
Student Meals	42,500
Linen Service for Dorms	3,000
Recreation	6,000
Instructional Supplies	11,000
Subtotal	$273,100

Program	Estimated Cost
Kitchen Equipment	
Blakeslee Food Cutter	$ 4,759
Traulsen TRC-L Refrigerators	14,569
Duke Heritage HC-8 Salad Bars	6,513
Blakeslee XC-60T Potato Peelers/Mixers	23,139
Cleveland Steam Jacketed Kettles	22,000
Cafeteria Sections-Hot Food Units	14,936
Blodgett Double Deck Convection Ovens	27,192
Lang XLH Quartz Combo Broiler	7,000
Cleveland Convection/Pressure Steamers	20,574
Hobart V1401 140 Qt. Mixer	9,318
Subtotal	$150,000
Facilities Improvement	
Replace Worn Carpet	
Cafeteria	$ 35,000
Student Center	30,000
Dormitories	75,000
Supplies and Materials	62,500
Protection Service	19,500
Utilities	128,000
Subtotal	$350,000
Construction Trades Program	
Equipment	$ 35,000
Remodeling of Space for Program	20,000
Supplies and Materials	45,000
Subtotal	$100,000
Grand Total	$873,100

The Board of Regents believes that if SIPI is to continue to offer viable vocational-technical programs, sufficient funding must be a priority for the Institute. Therefore, the Board of Regents respectfully requests support of the restoration of the $273,100 proposed for reduction in our FY 1991 budget and an additional $150,000 for replacing kitchen equipment, $350,00 for facilities improvements, and $100,000 for the construction trades program.

A total budget of $5.1 million is required for SIPI in FY 1991.

Thank you for the opportunity to present this on behalf of SIPI and your continued support of our Institute and Indian education.

STUDENT SENATE
SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE
P. O. BOX 10146 9169 COORS ROAD, NW
ALBUQUERQUE, NM 87184
(505) 766-1736

STATEMENT OF ALFREDA L. LEE
STUDENT SENATE PRESIDENT
SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE
BEFORE THE SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES ON THE
HOUSE APPROPRIATIONS COMMITTEE
WEDNESDAY, MARCH 14, 1990

On behalf of the Southwestern Indian Polytechnic Institute (SIPI), Albuquerque, New Mexico, the Student Senate submits this report in support of the proposal submitted by the SIPI Board of Regents of a total budget of $5.1 million, which is required for SIPI to prosper in Fiscal Year 1991.

The students of SIPI recognize that SIPI is a very unique school. It is a vocational institute for Native Americans, and it provides an alternative in education for students who wish to be job ready in a technical field.

SIPI developed the Long-Range Plan and embarked on improving the education of students who attend SIPI. Students are now benefiting from the Natural Resources Technology and Entrepreneurship Programs. The Electronic and Optical Technology Programs are accredited on an Associate of Applied Science level, equipment has been upgraded in various programs, and there has been improvement on campus facilities. The students will also be benefiting from the summer program, which will be in effect this summer.

First of all, let us recognize that not everybody wishes or has the ability to enter college right after graduation. Some students who come to SIPI are looking for a way to get into the job market as soon as possible with the best technical training.

Other possibilities remain open to students who attain certificates and degrees offered at SIPI. Students have the opportunity to pursue other goals such as going to college and furthering their education. A certificate can be attained in his or her field at SIPI, such as our Drafting and Surveying Program, and that would coincide with Engineering on a college level basis.

Whether you look at it from getting into the job market as soon as possible, to getting trained in a certain field at SIPI and attaining a degree on a college level later, the students of SIPI will benefit greatly.

In recent years, SIPI has upgraded its educational programs and in the students' eyes, that is a step in the positive direction, not just for the school, but mainly for the students. With

summer school. In effect, the students will be able to graduate sooner, get into the job market quicker, or carry on with their education at a faster rate.

SIPI is on the threshold of being a fully accredited technical school, it will be in competition with other technical schools, but this school will have a unique difference. It will be representing 70 to 80 different American Indian tribes across the nation.

Technology is advancing constantly. For SIPI to keep in competition with other trade schools, there are costs that need to be addressed. There are needs such as the implementation of a construction trades program, facility improvements, replacement of kitchen equipment, and restoration of monies.

It is understandable to be here in Washington D. C. and not comprehend the needs of the students of SIPI on a personal basis, but I am here to say to you that we are real people, with the need to have the best technical training possible and the opportunity to educate ourselves further, in the best environment possible. We are not just numbers scattered on paper, we are students getting ourselves educated so we can help ourselves and our tribes respectively.

Self-determination is the key issue concerning American Indians and the government today. The students of SIPI consider themselves in that struggle, all we need is the support, we will finish the rest.

Again, the SIPI Student Body supports the SIPI Board of Regents in its effort to better our education in providing new programs, facility improvements, and a year round educational technical program.

Thank you for giving me the opportunity to present this on the behalf of the SIPI Student Body and your continued support of our school is deeply appreciated.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, NATIONAL PARK SERVICE

WITNESSES

DR. MICHAEL DOSS, NATIONAL INDIAN EDUCATION ASSOCIATION
KAREN FUNK, NATIONAL INDIAN EDUCATION ASSOCIATION

Mr. ATKINS. National Indian Education Association, Dr. Michael Doss and Karen Funk?

Ms. FUNK. Hi. I'm Karen Funk with the National Indian Education Association. We are just going to highlight a few of the items that are in our testimony.

You are going to hear from a lot of people today and tomorrow, from people who are wanting increased funding for various Indian education programs and Indian programs generally. I guess we would just ask that as you hear those, keep in mind that Federal spending on Indian education programs, and Indian programs almost across the board, have gone down in constant dollars and, in fact, have gone down even relative to Federal spending on other like programs.

There is a recently-released Congressional research study on this, and we have attached a couple of those to our testimony. The other point is that Bureau-funded schools are affected by Federal budget cuts or Federal budgets which fail to keep up with inflation to a degree that much exceeds what happens to a public school. If it is a Bureau-funded school, it is, after all, mainly Federally funded.

The second item——

Mr. ATKINS. Just for the record, as I'm sure you're aware, this Committee has fought very hard for Indian education. We don't always get the numbers that we fight for, but it is——

Ms. FUNK. Right.

Mr. ATKINS. Unfortunately, when the Administration takes sums of money out of the programs, as the Reagan administration did, it is hard for us to fight for the full restoration.

Ms. FUNK. There would be much more trouble without the assistance of this particular Subcommittee.

The second item we wanted to highlight was the one of forward funding for Indian education. Indian education programs for schools are not forward funded, while most education programs in the Department of Education are forward funded. What this means for our Bureau-funded school is that they have to start the school year without knowing what the budget is going to be, and certainly without having their budget allocation. So you start school in September, and maybe three months later you get your budget allocation, and it makes a nightmare of trying to recruit and hire teachers, order supplies, and things like that.

I think if the public schools in this country didn't know how much money they were going to have until November or December or January, there would be practically a revolution.

Mr. Kildee of the House Budget Committee and the Education and Labor Committee is really going to bat this year to get a 1991 budget resolution that assumes forward funding for Indian education. The Congressional budget office has calculated for Mr. Kil-

dee's office that it will take $39 million in additional 1991 outlays to accomplish this.

Mr. ATKINS. Let me just, if I can stop you again for a moment, as I'm sure you're aware, that $39 million figure, and you say that's a CBO figure——

Ms. FUNK. Right. Yes.

Mr. ATKINS [continuing]. That's the lowest figure that this Committee has seen in terms of the cost of forward funding. I think it is fair to say that the Committee's position has been that forward funding is important and ought to be done. The difficulty every year is that you have to come up with a significant sum of money to go forward funded, and so we're caught between Scylla and Charybdis in that because we have on the one hand all of these, and you've heard some of the testimony, important and compelling cases. We have to live within our allocation——

Ms. FUNK. Yes, I know that.

Mr. ATKINS [continuing]. For funding. To take the $39 million, which would essentially be money we'd have to take out of this year's budget in a block which would mean all of the programs would go down by some amount in order to make forward funding possible. If you could give us some backup on the $39 million, I think that would be——

Ms. FUNK. In fact, one of the witnesses later this morning, the Association of Navajo Community Controlled School Boards, attached to their testimony the CBO memo that Mr. Kildee—that information.

Mr. ATKINS. We will explore that. It also might be useful if you could explore with your members their willingness to take—in order for us to come up with a sum of money to allow forward funding, we'd have to take essentially, I would presume, an across-the-board cut in other programs. I'd be curious, for the record, if you could find out people's willingness to be part of that kind of a tradeoff.

Ms. FUNK. Of course, this Committee has budgets set from year to year to go off. I mean, it—you may report an Interior appropriations bill this year that has more money in it than last year.

Mr. ATKINS. No. I appreciate that. The question is not an actual dollar amount. The question is simply how much people are willing to sacrifice in order to get the concept of forward funding.

Ms. FUNK. Okay.

Mr. ATKINS. You know, it's one thing to say that it's a good idea. It's another thing to say, "I'm willing to absorb some pain in order to make that a reality."

Ms. FUNK. I think you recognize the difficulty in trying to administer a school for which you didn't get your budget until three months into the year.

Mr. ATKINS. I'm in total and complete——

Ms. FUNK. Okay.

Mr. ATKINS [continuing]. Sympathy in that. You don't need to persuade us. The question is how you come up with the budget authority in the first year to make something happen.

Ms. FUNK. There is so much good in the education testimony that is coming from a lot of people in this room, and some of which our testimony repeats, and so I will not go through those except to

say that we certainly support the request. You'll be hearing from the American Indian Graduate Center on BIA graduate scholarships and the Tribal College's—requesting funding for the White House conference on Indian education and for fully-authorized funding for the Indian Education Act, which is through the Department of Education.

The last item I have is something which is under the Subcommittee's jurisdiction but not a BIA or IHS program. That is the historic preservation grant program. In 1990, Congress finally appropriated for the first time money for tribal governments for historic preservation, much of which is directly education related. Even though that is a small amount of money, the Park Service got 254 tribal grant applications for half a million dollars, and probably 15 of those will be funded, so our request is that, within the historic preservation fund, $5 million be allocated for tribal governments.

Thank you.

Mr. ATKINS. Thank you very much.

Mr. Doss. Mr. Chairman, if I might make one comment. We are requesting $2 million for the White House conference on Indian education, $1 million from the Department of Education and $1 million from the Department of the Interior. We hope that you recognize the importance, as we do, of this important conference.

Secondly, the database that we have discussed in the testimony is a very important thing. For us to be able report accurately to Congress, and to be able to do our planning for Indian education, we are going to have to have accurate databases established.

I'd like to thank you on behalf of Dr. Robert Swann, our President, and our board membership for all the support that this Committee has provided Indian education over these many years.

Mr. ATKINS. Thank you very much. We will do our best this year.

Mr. Doss. Thank you, sir.

[The prepared statement of Mr. Doss and Ms. Funk follows:]

NATIONAL INDIAN EDUCATION ASSOCIATION

1819 H STREET, N.W., SUITE 800
WASHINGTON, D.C. 20006
(202) 835-3001

STATEMENT BEFORE THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITEE
REGARDING THE FY1991 INDIAN EDUCATION BUDGET
MARCH 14, 1990

The National Indian Education Association (NIEA) is pleased to appear before this Subcommittee today to present our views on the FY1991 appropriations for Indian education programs in the Bureau of Indian Affairs and the Department of Education.

FUNDING TRENDS. The Congressional Research Service (CRS) of the Library of Congress has recently completed, at the reque[illegible] of the Senate Select Committee on Indian Affairs, a report entitled, "Trends in [illegible]dian-Related Federal Spending, FY1975-1991." For those of us involved in education of Native children on a day-to-day basis, the outcome of the CRS report was no surprise. The report documents that federal spending on Indian education has gone down in constant dollars and this decline has occurred while federal spending for education nationally has increased. The report states, "BIA education has actually fallen by $11.8 million (-4.21 percent) a year during the period FY1975-1991." The report goes on to say that funding for the Office of Indian Education Programs in the Department of Education (DOE) has fallen by 3.44 percent per year compared with a 1.27 percent per year growth in the overall U.S. Department of Education budget. In constant dollars DOE Indian education spending has gone from $70.8 million in 1975 to $56 million in 1989, while BIA education funding has declined in constant dollars from $381.9 million to $212.5 million during the same time period. During these same years overall Department of Education outlays have risen in constant dollars from $27 to $29 billion. Attached are charts from the CRS report illustrating these facts.

When federal spending for education declines or does not keep up with inflation or population growth, it has a much bigger impact on BIA-funded schools than on public schools. The reason, of course, is that federal funds are the main source of money for Bureau-funded schools. We have always believed that Indian education programs should be in the "protected" category under the Gramm-Rudman Deficit Reduction Act. Should there be an opprtunity to amend that law, we would certainly advocate for an amendment which would add Indian education to the list of protected programs.

INDIAN EDUCATION DATABASE. NIEA and others in the Indian education field have been advocating for some time for the creation and upkeep of an Indian education datdabase. While we have statistical information specific to certain schools or areas, often our data is out of date, not national in scope and/or is not broken down in such a way as to be particularly useful. We need information associated with types of schools, i.e, tribal, BIA, public, private, on-reservation and off-reservation schools. We would also like information which distinguishes between high school and Graduate Equivalency diplomas. Education statistics frequently include no Indian/Alaska Native information or, as in the case of most National Center for Education Statistics reports, classify everyone as either Black, White, or Hispanic, with "Hispanic" being everyone who is not black or white. Often comparing information from source to source is futile, e.g., student dropouts are defined in various ways. Assistant Secretary for Indian Affairs Eddie Brown acknowledged to the Senate Select Committee on Indian Affairs during its February 28th budget oversight hearing that often it is difficult to determine from attendance records whether a student has dropped out of school or transferred.

We are, therefore, pleased with the intentions of the Bureau of Indian Affairs and the Department of Education to work on developing a database for Indian

30-252 O—90——2

education. We support the Administration's request of $400,000 in the BIA budget to do research in the areas of student dropout, performance assessment, staff retention and standards for measuring excellence. Likewise, we support the Department of Education's efforts to develop an Indian education database.

FORWARD FUNDING. BIA education programs, unlike most programs in the Department of Education, are not forward funded. The provision of forward funding for Indian education programs would be a major improvement in the administration of BIA, contract and grant schools. Because BIA, contract and grant schools usually do not know appropriations amounts in advance of the school year and never have their funding allotments by the beginning of the Fall semseter, advance budget planning, teacher hiring and textbook, equipment and supply ordering are nearly impossible.

We are very appreciative of the efforts of Representative Dale Kildee, a member of the Budget and the Education and Labor committees, to obtain a FY1991 budget resolution which assumes forward funding for BIA Indian education programs. The Congressional Budget Office has provided Mr. Kildee's office with an analysis showing that an additional $39 million in FY1991 outlays is needed to put Indian education programs on a forward funded basis. We hope that 1991 will finally be the year we achieve our goal of forward funding for Indian education programs and ask this Subcommittee's approval of funding for this purpose.

WHITE HOUSE CONFERENCE ON INDIAN EDUCATION. We request $1 million in BIA funding for the White House Conference on Indian Education and are requesting an equivalent amount from the Department of Education for the Conference. As you know, the FY1990 budget contained seed money for the Departments of Interior and Education to begin work toward organizing a White House Conference on Indian Education. We believe that a White House Conference on Indian Education is timely both in terms of the national education agenda and the developments in Indian country. Many changes have occurred since there was last any serious analysis of Indian education (the Kennedy report in 1968). One obvious change is that in the past decade tribes have been increasingly contracting to administer their own schools or to start their own alternate schools and colleges. In addition, the influence on education of parent committees and Native communities has increased. While most Americans take for granted that education is a locally based activity, in Indian country we are at just the beginning of that process. These are positive developments but we need a high profile, broadly based and financed forum such as the White House Conference would provide to reflect on the past few decades and to chart our future course.

ISEF FORMULA/STUDENT TRANSPORTATION. You will be hearing detailed testimony today and tomorrow from a number of Indian schools and organizations concerning the shortfall (both in the FY1990 budget and the proposed FY1991 budget) in the Indian School Equalization Formula (ISEF) and the Student Transportation Account.

The Bureau continues to underestimate student enrollments. They projected 700 students below what ended up to be the real count in FY1990 and now are projecting a 400 student decrease for FY1991. Because monies for the ISEF are distributed on a Weighted Student Unit (WSU) amount, undercounting students results in schools receiving considerably less than the Bureau's projected levels.

We ask that the Committee provide enough funding to implement the provision of P.L. 100-297 which requires that teacher salaries in Bureau-funded schools be comparable to those of Department of Defense teachers. The funding for increased teacher salaries is being distributed by Weighted Student Unit which is an imperfect way of meeting teacher salary needs. The number of students does not always directly translate to the number of teachers needed, nor does the WSU take into account the seniority level of teachers which has a direct impact on salary level. Please note the testimony of the Alamo Navajo School Board which shows that this method has resulted in a $107,000 shortfall for their school for what will be the first of three installments for teacher salary increases. We commend to you the Association for Community Tribal Schools' testimony which justifies the need for

funding of $2586 per WSU in FY1990 (compared with the actual amount of $2491) -- an amount which would require a supplemental appropriation.

The Bureau is proposing to decrease funding for student transportation by $800,000 below the FY1990 appropriated level even though the mileage increased by 600,000 miles in the last year. In addition, the per mile rate has decreased from $1.38 in 1986 to $1.14 today. Schools literally must use program funds to run school buses. The Bureau is proposing to move the transportation funding from its current position as a line item in the School Operations budget into the ISEF formula, where the money would be distributed on a WSU basis. We see no logical reason for this. Mileage has a larger impact on the transportation budget than does the number of students at the school. We ask that you fund student transportation at the 1986 rate of $1.38 per mile and that you reject the proposal to move transportation into the ISEF formula.

SUBSTANCE ABUSE COUNSELORS. As it did last year, the Bureau is asking for a $500,000 decrease for substance abuse counselors at schools. The BIA indicates that they are unable to fill substance abuse counselor positions, but that they are providing training to teachers in the area of substance abuse in lieu of a full compliment of credentialed counselors. This is an untenable position, especially for an Administration which purports to place a high priority on prevention of substance abuse. The very short training sessions for teachers certainly are valuable, but their purpose is to help teachers recognize the symptoms of substance abuse and to intervene with at-risk students and refer them to credentialed counsellors. Teachers are not substance abuse counselors, and we do a great disservice to our students if we pretend they are. We ask you to reject, as you did last year, the cut for substance abuse counselors and to place emphasis in the Indian Education Act fellowships and the BIA scholarship program for training of substance abuse counselors.

GIFTED AND TALENTED PROGRAM. We are pleased that the Bureau has requested $3.6 million in funding for the Gifted and Talented Program, the same amount as appropriated in FY1990. It is important to maintain this effort and to get a Gifted and Talented Program started as well in the Department of Education's Indian Education Act program. You may be interested to know that a Master's Degree, the first of its kind, is now being offered by American Indian Research & Development, Inc.(AIRDI), through Oklahoma City University. The program will provide Indian and Alaska Native educators a Masters of Arts in Teaching with an emphasis on gifted and talented education. AIRDI also holds a summer three-week program for gifted and talented Indian and Alaska Native students. It is these kind of efforts which, when combined with Gifted and Talented Programs administered through the BIA and Department of Education, will really make an effective program.

JOHNSON O'MALLEY PROGRAM. The Johnson O'Malley Program is proposed to be funded at $20.5 million, a reduction of $3.1 million from the FY1991 base. The Budget states that basic elementary and secondary education programs are a higher priority than the JOM program, and that the decrease will be offset by increased funding per students by states. The Bureau provides no information to support their statement that they expected increased state funding..

The per student funding of the JOM program has gone from $160 per student in 1984 to $101 in 1990. It would have required a $33 million FY1990 appropriation (as compared to the actual funding level of $23.5 million) to achieve a $160 per student funding level. In the past year the number of JOM contractshas gone from 306 to 325 and the number of students served has increased from 205,705 to 217,414.

BIA SCHOLARSHIPS. The Administration proposes $1.8 million for Special Higher Education Scholarships, which compares to $2.16 million in FY1990 funding. Included in the reduction is $160,000 for the Summer Law Institute and $200,000 for the graduate scholarship program administered by the American Indian Graduate Center.

We support a funding level of $3 million which would fund the actual need of the graduate students who apply and are deemed eligible for the program. We ask you to reject the Administration's proposal that the graduate scholarships be offered in only the "priority" fields of education, law, business, medicine, natural resources, engineering and social work. While most of the 301 graduate scholarships provided through the Graduate Center last year were in the designated priority fields, there were 26 scholarships provided to students studying in other fields. We believe the flexibility should exist to grant scholarships to students in a wide variety of studies, ask that you instruct the BIA to not limit the program.

TRIBAL COLLEGES. We are in full support of the request of the American Indian Higher Education Consortium and of the recommendation of the Carnegie Foundation for the Advancement of Teaching that the tribal colleges receive federal funding at the fully authorized level of $5820 per ISC (Indian Student Count) and of all other requests in AIHEC's testimony. The tribal colleges are are source of great pride in Indian country are a lesson in the value of community designed, community-based education. The colleges show that you can have it all -- culturally relevant and academically strong education. They are a very important part of any progress which is and will be made in strengthening tribal governments and tribal economies.

INDIAN EDUCATION ACT. The Administration proposes $75.8 million for the Indian Education Act programs administered through the Department of Education, a slight increase over the FY1990 appropriated level. These programs have not kept pace with inflation or number of students served. In FY1981, the Indian Education Act received an appropriation of $81.6 million. If funding had increased with just inflation the program would be receiving $155 million today

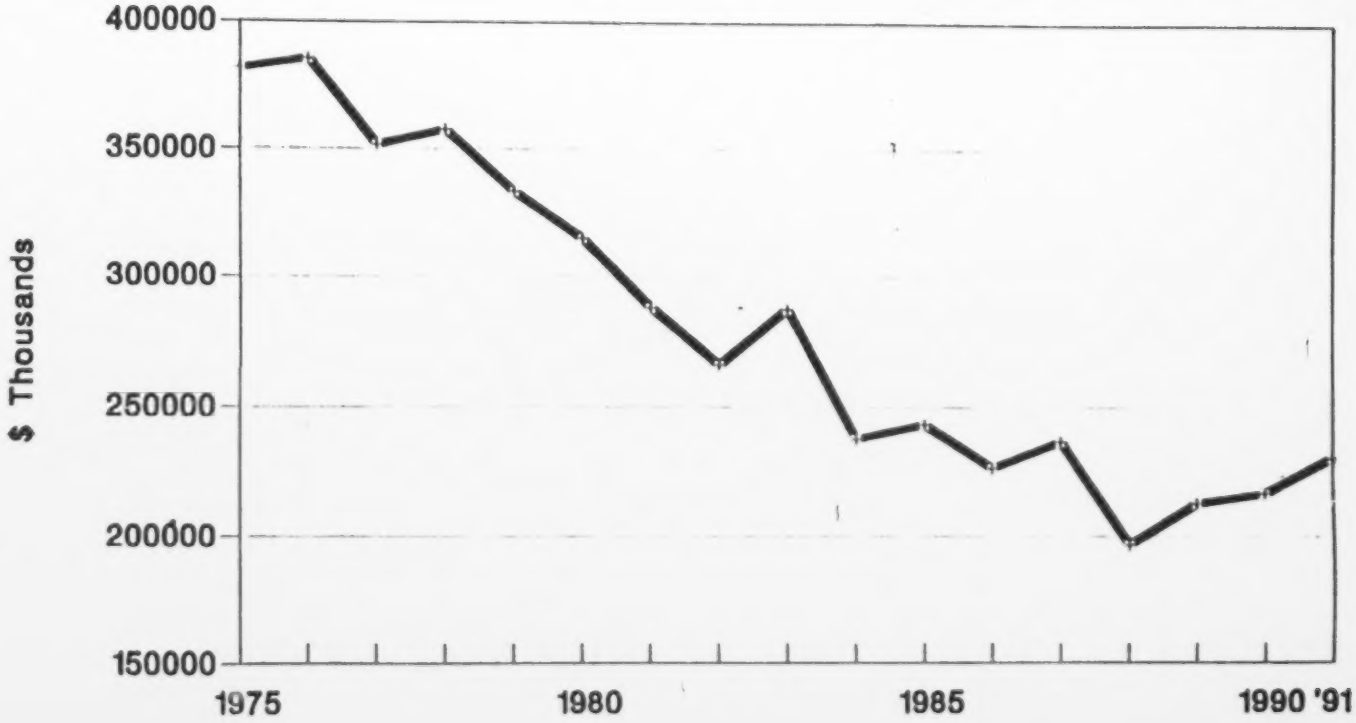
The programs funded through through Part A of the Indian Education Act include supplemental programs such as tutoring, remedial reading and materials, counselling and cultural activities. These are the kinds of programs which help keep students in school. Part B programs are designed to demonstrate effective teaching methods and curricula, implement dropout prevention projects, train educational personnel and provide fellowships. Finally, Part C provides services to Indian adults. Unfortunately, the Part C program can serve only 7,200 Indian adults annually, despite the fact that 44% (300,000) of Indian adults do not have high school diplomas. Even though studies verify the effectiveness (including the immediate higher earning power of the participants) of adult education programs under this Act, funding for the program has remained stagnant.

We are encouraged by, and concur with, the recommendations of the Senate Select Committee on Indian Affairs that Parts A and B be funded at their authorized levels of $70 million and $46 million, respectively. We recommend funding of $14 million for the Part C program.

TRIBAL HISTORIC PRESERVATION GRANTS. We ask your support for funding for historic preservation grants, a program under the jurisdiction of this Subcommittee and administered through the National Park Service. We ask that you appropriate $5 million through the Historic Preservation Fund for tribal historic preservation grants. Congress provided funds to tribes from the Historic Preservation Fund for the first time in FY1990. The amount was very modest -- just $500,000 -- but tribes have shown an enormous interest in applying for these competitive funds. The National Park Service has received 254 grant applications, of which 15 or 20 will be able to be funded. The grant applications are for a wide array of preservation activities, many of them directly related to education. Many of the applications deal with linguistic research, oral history, translation and transcription of acetate tapes which contain stories and interviews of tribal people no longer living. Many tribes and tribal colleges intend, should they receive funding, to incorporate the products of their projects into school curricula. We request that you support this request and that over the next few years tribal governments be put on the same basis as state governments with regard to historic preservation grants and that they receive the funding through a formula program.

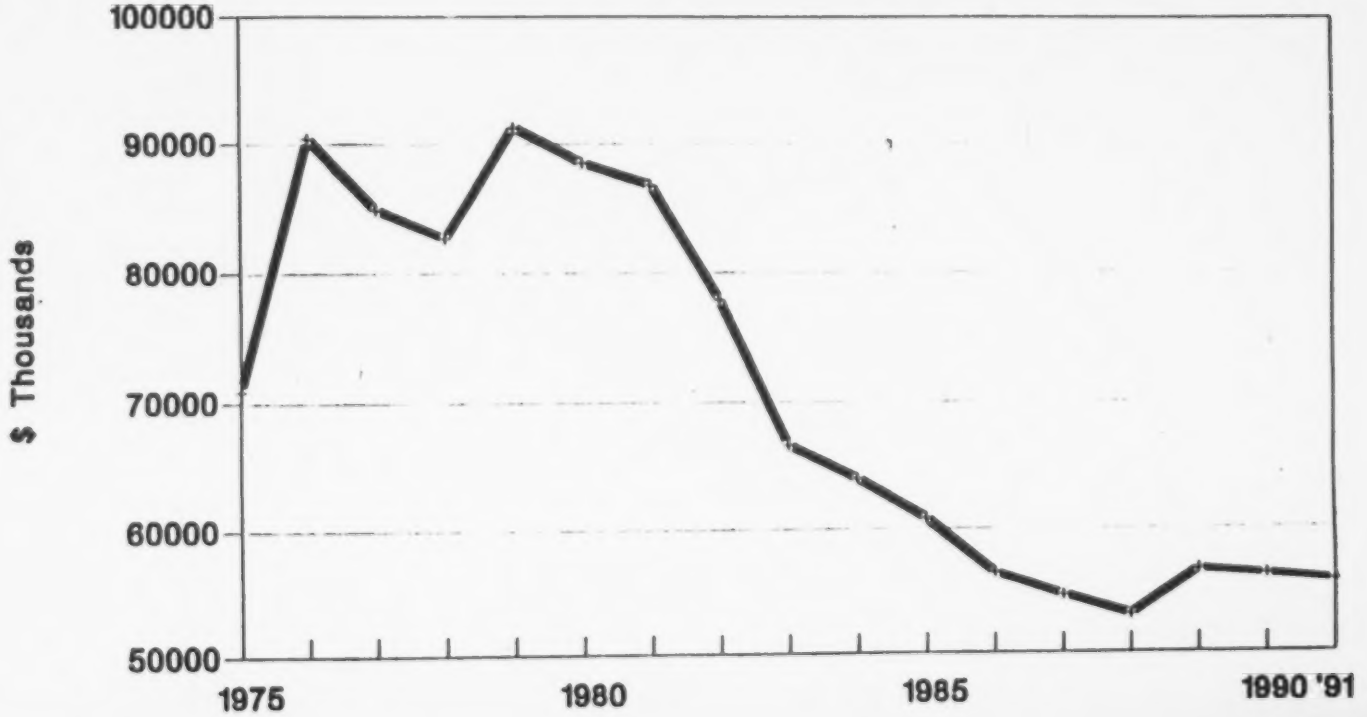
Graph 2
BIA Education Budget, FY1975-91

In Constant 1982 Dollars



Graph 3
Indian Education in Educ. Dept., FY1975-91

In Constant 1982 Dollars



Appendix Table 2. Budget Data for Selected Elements of the Federal Budget, in Constant 1982 Dollars, FY1975-1991

[Dollar amounts in thousands, except per-capita figures]

Fiscal Year	Bureau of Indian Affairs (Approps.)	Indian Health Service (Approps.)	Indian Education in Dept. of Educ. (Approps.)	Indian Housing in HUD (B.A. Use)	Admin. for Native Americans (Approps.)	Overall Indian Budget
1975	$1,244,917	$494,272	$70,884	N/A	$53,963	$1,864,035
1976	$1,280,658	$537,125	$90,420	$810,143	$64,976	$2,783,322
1977	$1,169,924	$756,397	$85,010	N/A	$49,034	$2,060,366
1978	$1,243,407	$710,896	$82,731	$965,235	$45,706	$3,047,976
1979	$1,311,953	$724,113	$91,266	$1,112,341	$42,112	$3,281,785
1980	$1,160,125	$724,470	$88,565	$989,382	$39,440	$3,001,981
1981	$1,168,561	$925,279	$86,894	$501,596	$35,957	$2,718,286
1982	$970,360	$676,157	$77,852	$494,300	$28,000	$2,246,669
1983	$1,106,739	$724,654	$66,588	$327,815	$26,949	$2,252,746
1984	$389,130	$772,894	$63,863	$341,783	$26,927	$2,094,596
1985	$919,216	$777,460	$60,779	$261,677	$26,150	$2,045,282
1986	$874,950	$762,018	$56,403	$263,181	$24,378	$1,980,931
1987	$882,669	$801,320	$54,545	$208,688	$24,693	$1,971,915
1988	$883,270	$831,672	$52,955	$204,287	$24,467	$1,996,650
1989	$889,126	$856,685	$56,653	$81,314	$23,733	$1,907,511
1990E	$1,035,113	$956,662	$56,210	$103,914	$24,212	$2,176,111
1991P	$870,935	$951,698	$55,674	$0	$23,303	$1,901,610

Fiscal Year	BIA Education Program (Approps.)	BIA Indian Services Program* (Approps.)	BIA Economic Devt. Program** (Approps.)	BIA Natural Resources Program (Approps.)	U.S. Dept. of Education (Outlays)	U.S. Dept. of HHS (Outlays)
1975	$381,948	$166,447	$74,575	$52,845	$12,743,676	$67,448,562
1976	$386,038	$218,092	$83,108	$57,071	$12,755,943	$74,221,870
1977	$351,709	$236,431	$109,905	$67,661	$13,205,052	$79,441,308
1978	$357,622	$261,892	$105,848	$106,602	$13,901,662	$82,173,130
1979	$333,641	$261,066	$105,804	$95,850	$15,805,344	$82,745,547
1980	$315,091	$234,688	$90,981	$86,624	$17,234,539	$89,117,853
1981	$287,429	$241,754	$78,048	$91,182	$18,141,489	$95,504,255
1982	$265,606	$235,315	$52,884	$84,743	$14,808,000	$98,020,000
1983	$286,952	$267,435	$57,576	$114,765	$14,011,550	$121,213,667
1984	$237,469	$214,814	$54,790	$92,532	$14,402,043	$112,425,255
1985	$243,142	$197,539	$64,023	$111,904	$15,042,381	$119,119,928
1986	$226,098	$185,930	$53,436	$118,786	$15,529,877	$125,881,371
1987	$236,612	$215,299	$32,389	$123,022	$14,310,051	$126,825,383
1988	$196,566	$261,499	$32,599	$120,371	$15,042,045	$131,138,500
1989	$212,591	$232,106	$35,866	$143,861	$17,108,472	$136,422,011
1990E	$216,446	$226,072	$27,865	$94,687	$17,038,613	$145,964,324
1991P	$230,223	$222,814	$30,095	$88,059	$17,424,175	$149,970,917

See notes at end of table.

Appendix Table 2. Budget Data for Selected Elements of the Federal Budget, in Constant 1982 Dollars, FY1975-1991 -- Continued

[Dollar amounts in thousands, except per-capita figures]

Fiscal Year	U.S. Dept. of HUD (Outlays)	U.S. Dept. of Interior (Outlays)	Education Function (Outlays)	Health Function (Outlays)	Economic Development Function (Outlays)
1975	$12,667,791	$3,748,735	$27,018,550	$21,804,384	$7,288,364
1976	$11,134,707	$3,858,954	$29,968,304	$24,935,024	$8,624,406
1977	$8,630,015	$4,778,603	$31,358,098	$25,708,767	$10,432,392
1978	$10,595,568	$5,371,191	$36,994,460	$25,656,510	$16,400,277
1979	$11,730,280	$5,310,433	$38,451,654	$26,073,791	$13,333,333
1980	$14,859,977	$5,224,037	$37,156,359	$27,035,006	$13,129,522
1981	$15,829,787	$4,745,745	$35,860,638	$28,580,851	$11,242,553
1982	$15,232,000	$3,948,000	$27,029,000	$27,445,000	$8,347,000
1983	$15,220,404	$4,381,136	$25,607,315	$27,565,929	$7,276,227
1984	$15,471,681	$4,593,315	$25,607,242	$28,242,340	$7,124,420
1985	$25,897,205	$4,350,766	$26,458,070	$30,245,266	$6,925,158
1986	$12,424,429	$4,208,260	$26,876,098	$31,578,207	$6,355,888
1987	$13,189,097	$4,301,533	$25,318,569	$34,044,293	$4,302,385
1988	$15,612,531	$4,243,199	$26,329,761	$36,677,659	$4,364,386
1989	$15,581,948	$4,127,474	$29,045,131	$38,313,539	$4,244,656
1990E	$17,409,682	$4,452,823	$28,747,888	$44,145,706	$6,700,613
1991P	$16,918,594	$4,187,210	$30,132,777	$46,808,868	$5,750,250

Fiscal Year	Natural Resources Function (Outlays)	U.S. Forest Service (Approps.)	U.S. Fish & Wildlife Service (Approps.)	Bureau of Land Management (Approps.)
1975	$12,387,858	$1,741,361	$217,024	$672,668
1976	$12,969,889	$1,651,206	$248,789	$674,596
1977	$14,906,389	$2,052,052	$320,523	$709,529
1978	$15,211,911	$2,415,287	$397,548	$1,078,647
1979	$15,438,931	$2,395,674	$434,765	$1,076,246
1980	$16,170,362	$2,391,834	$349,414	$1,081,354
1981	$14,434,043	$2,247,536	$319,252	$1,098,874
1982	$12,998,000	$1,992,050	$329,516	$1,232,512
1983	$12,196,343	$2,051,492	$317,269	$1,067,625
1984	$11,692,665	$2,011,073	$349,603	$606,547
1985	$12,044,184	$2,045,521	$391,186	$761,682
1986	$11,985,062	$2,173,733	$322,971	$495,742
1987	$11,382,453	$2,014,497	$362,893	$589,573
1988	$12,041,220	$2,104,783	$351,241	$638,833
1989	$12,812,352	$2,201,269	$361,596	$690,112
1990E	$13,360,759	$2,125,732	$407,340	$966,986
1991P	$13,350,867	$2,016,842	$393,634	$740,612

See notes at end of table.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

CARMEN CORNELIUS-TAYLOR, PRESENTED BY RAYMOND MORGAN, SCHOOL BOARD MEMBER, NATIONAL INDIAN SCHOOL BOARD ASSOCIATION

Mr. ATKINS. The National Indian School Board Association, Carmen Cornelius-Taylor?

Mr. MORGAN. Mr. Chairman, I will be sitting in for Carmen today. Carmen had to meet some deadlines. She has had a real tight schedule for some conference issues she's putting together for the National Indian School Board Association.

There are a couple of things I just want to highlight in the area. The money that has been allocated, or the Bureau has requested, and also the mandate that has been put on by the Bureau—one of the areas that we have trouble with every year is the Bureau, in distributing the funding according to the student population, I think that is an area where there really needs to be a look taken by the Committee.

The Department of Defense pay scale that has been implemented for the teachers, we're having a little bit of problem with it also. As you can see on page 4, the recommendation that we would like for the Committee to consider is that the Bureau get the $8.8 million requested for raises in employee benefits and for the second-year phase-in of the DOD pay scale increase, and also to direct BIA to do a thorough analysis of position categories, restore the $800,000 for the student transportation. These are the areas that we really need the Committee to take a look at.

From the Bureau's point of view, they are distributing these monies without really looking into their programs, and this is really where we need to look at it. Another area—there is a sample figure in here on the School A and School B. I think you need to take a look at where the cost of living increases have really affected the schools, and the schools are trying to stay within from their budget.

The general schedule employees have over 45 percent increase since 1979, so their cost is—we support their costs. We try to use those figures.

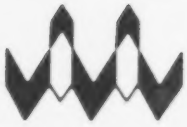
Thank you.

Mr. ATKINS. Thank you very much.

[The prepared statement of Ms. Cornelius-Taylor follows:]

500 Oak St. N.E.
Suite 218
Albuquerque, NM 87106
505-243-1927

National
Indian
School
Board
Association



PREPARED STATEMENT ON THE PROPOSED FISCAL YEAR 1991 BUDGET OF THE BUREAU OF INDIAN AFFAIRS AS IT CONCERNS INDIAN EDUCATION

Submitted by the
National Indian School Board Association;
Carmen Cornelius Taylor, Program Director.
Presented by
Raymond Morgan, School Board Member
Crownpoint, New Mexico

Before the Subcommittee
House Appropriations
on Interior and Related Agencies

March 14, 1989

Mr. Chairman and Members of the Committee, I am pleased to testify today on the FY 1991 Bureau of Indian Affairs budget as it impacts education. The National Indian School Board Association (NISBA) is an organization which was chartered in 1982 to provide advocacy, training, and oversight for its member schools and to assist in the facilitation of BIA's Congressionally mandated policy of "Indian control in all matters relating to education". This, we believe, is best accomplished through empowering and strengthening school boards.

This testimony considers the specific proposals in the FY 1991 BIA budget justification as well as items which should have been addressed, but are not:

1. Indian School Equalization Program (ISE) Formula (+6,819,000.00). While at first glance, this looks like a significant increase for the ISEF, the BIA budget justifiction itself states that the value of a Weighted Student Unit (WSU) will be reduced by $34, and the payment for Student Transportation will be decreased by about 2 cents per mile. This increase is actually composed of $8.8 million dollars for the second year phase-in of the DOD salary increase, but decreases of $800,000 in student transportation and $1,181,000 based on the "historical declining trend" in the enrollment of bureau-funded schools.

   We cannot held but question the accuracy of these projections based upon what actually occurred in FY 1990. Because this impacts FY 1991, the following re-cap is provided for your review and consideration:

   BIA's FY 1990 budget request estimated that the ADM would be 39,000, the WSU 66,200 and the value of the WSU would be $2,490. In actuality, the ADM was 39,791, the WSU 68,996 and the value of the WSU was $2,450.

   This distribution to the schools included the amount appropriated for the first phase of the DOD salary increase and also included $723,000 for school board expenses and $512,000 for school board training. With these dollars being distributed through the formula, there should have been an increase, not a decrease.

Please permit me to describe two "scenarios" which better demonstrate the gravity of the problem; these are figures provided to NISBA by two schools:

   I. School "A" had the same student count in FY 1990 as in FY 1989. The increase in ISEP dollars from 1989 to 1990 was $27,300. However, the first year phase-in of the DOD pay raise cost the school $91,765.51. This included the fringe benefits. This

school was not over-staffed; and if they wish to retain their Northcentral Accreditation, they cannot cut any staff.

II. School "B" experienced an increase in student count in FY 1990 and planned to hire an additional teacher in order to split a multi-graded classroom. However, in order to comply with the pay raises, the additional dollars generated by the increase in students had to be used to cover the raises for the present teachers. This results in larger teacher/student ratios which is the opposite of what was intended by the school's budget planning. Additionally, some dollars were taken from program areas to also put toward the teacher raises.

NISBA, along with other organizations, worked diligently to get statutory language regarding long overdue pay raises in order that teachers in BIA-operated schools would be brought up to the levels of their public school counterparts. Now we find that schools are still suffering because the amount requested did not take into consideration fringe benefits, the regular Cost of Living Allowances (3%), and, perhaps, because BIA distributed the dollars without a careful analysis of how the dollars should be distributed based on need (position categories, etc.).

The formula funding in 1979 was $1,819 per WSU. In 1990, it was $2,450 per WSU: an increase of only $631 in 11 years. Salary increases for General Schedule employees has increased 45% since 1979; FERS retirement benefits have increased; and the first phase of the DOD pay scale has been implemented. The increases in ISEF are definitely not in step with the salary increases -- to say nothing of increased costs of books, supplies, food, etc.

Using simple figures, let's examine a representative situation of how this disproportionate growth in salaries affects a school's budget:

> A school of 100 students in 1979 would have received a minimum of $181,800 in formula funding for student instruction. A school with 100 students would probably have 5 teachers, a principal, and a clerk. If those 7 staff were all in the first year, and would have been under Civil Service Retirement system, with a maximum of 26% EBC, the aggregate salary would have been $89,935. Those salaries would have comprised 49% of the budget, leaving 51% of the budget for food service staff, supplies, textbooks, and other instructional supplies and equipment.
>
> In 1990, that same school with 100 students would have generated a minimum of $245,000 under the instructional budget. However, those 7 staff members would be receiving an aggregate salary, with 45% EBC's under the FERS of $263,197. Obviously, the school would not only have no

dollars for program, but would have to cut staff, as well.

RECOMMENDATIONS:

1. Ascertain from BIA that the 8.8 million dollars requested is actually enough to cover the raises and employee benefits for the 2nd year phase in the DOD pay increase.

2. Direct BIA to do a thorough analysis of the position categories required to receive the raise and distribute it accordinly.

3. Restore the $800,000 for student transportation/

4. Restore the $1,181,000 BIA suggests is not needed due to declining enrollment.

Although this will still not provide significant increases to the base operational programs of the schools, it will at least ensure that further decreases will be minimized.

2. Staff Development and Training. The $1,000,000 in this line item represents an increase of $500,000 over FY 1990.

The 1991 budget justification indicates that the increase will be used for a variety of staff development efforts.

As a member of the Bureau Effective Schools Team, the NISBA Program Director highly recommends the continuation of the Effective Schools efforts and hopes that the majority of the $500,000 increase be used to accelerate the number of schools involved and to further the support efforts to those schools already in the process.

3. Junior/Senior High School Equipment Program (+625,000). The Bureau is to be commended for recognizing this as a need and for including this line item in their budget request. ISEP does not provide for the large dollar purchase of equipment which may only need to be purchased once every decade.

4. Parental and Community Involvement (+2,000,000). NISBA is pleased to see that BIA is recognizing the importance of early childhood education and parental involvement programs. It is our hope that some discretion will be permiteed to tribes and schools in the design of these programs. Another concern is that this was once done through the Parent Child Development Programs which BIA chose to phase out approximately 4 years ago. It is our hope that this is a more serious effort to institutionalize these programs and is not a "passing trend" as were seemingly the previous efforts.

FORWARD FUNDING. Forward Funding has been authorized for BIA education for several years, but BIA has yet to request the one time "double funding" which will be necessary to implement. Department of Education Programs are all forward funded or funded through advance appropriations. Once again, NISBA requests the necessary funding to implement this very important provision. In these times of "tight" budgets and the need for careful planning, this provision would be most beneficial.

WHITE HOUSE CONERENCE ON INDIAN EDUCATION. Although there was $500,000 appropriated for this requirement of P.L. 100-297, it appears that there is no planning taking place. It is our hope that this conference becomes a reality as we move toward planning for education of Indian children in the 21st Century.

NISBA wishes to thank the Committee for the opportunity to testify and for your continuing interest and support.

If our office can provide you further information, please do not hesitate to contact us.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

LORENA BAHE, DIRECTOR

ERNEST DICK, PRESIDENT, ASSOCIATION OF NAVAJO COMMUNITY CONTROLLED SCHOOL BOARDS, INC.

Mr. ATKINS. The Association of Navajo Community Controlled School Boards, Lorena Bahe?

Ms. BAHE. Mr. Chairman and staff, my name is Lorena Bahe. I'm the director of the Association of Navajo Community Controlled School Boards.

Our association represents 13 contracting grant schools from the Navajo nation. I have with me today the president of the association, Ernest Dick.

I would like to address three major issues today. One has already been mentioned before, and that is forward funding. We wholeheartedly support forward funding. I think Kevin has mentioned some of the other issues that are involved there. I want to bring to you from the field that it is very hard for schools to do any type of advanced budgetary planning because they don't know the final amount of money that they are going to receive. There is a lot of planning done in reference to teacher hiring, ordering textbooks and supplies, and getting new and improved programs, and it hinders that type of planning without knowing the amount of money that we're going to get for the coming year.

The other thing that I would like to mention that was not included here is that there is already statutory authority that exists for the funding period for BIA-funded schools. A good example of this has been mentioned, Department of Education programs for one. We understand that Mr. Kildee did make that request. We urge the subcommittee to support him, to appropriate the needed one-time extra amount this fiscal year for schools so that forward funding can begin in July 1991.

On implementation of forward funding, I hear your concern regarding what people are going to have to sacrifice or that people are going to be hurt if we go in and do this. The implementation of forward funding is one of the most beneficial things, I think, any committee can do for Bureau-funded schools.

The other issue that I want to briefly address has to do with substance abuse counselors. In the fiscal year 1991 budget, BIA has cut the substance abuse counselor program again by $500,000 due to the difficulty of recruiting certified counselors.

If there is such a shortage, I think the best thing that the Bureau can do is to use a portion of that money to train or educate more certified counselors. We would like to see BIA train more Indian people as credentialed counselors to work with young substance abusers in our schools.

Mr. ATKINS. If I could interrupt you. The percent of the substance abuse counselors who are Indian, what percentage are

Indian of the total substance abuse counselors? Do you know roughly?

Ms. BAHE. It's low.

Mr. ATKINS. It's a low number?

Ms. BAHE. Yes.

Mr. ATKINS. Lower than the number of faculty in general?

Ms. BAHE. Yes.

Mr. ATKINS. If you could get us that information for the record that would be very helpful.

Ms. BAHE. Okay.

[Material was not supplied to the Subcommittee at the time of printing.]

Ms. BAHE. We urge the Committee to reject the BIA's desire to cut this program. The Federal Government has a firm commitment to fight drug abuse, and if this is the case, then this type of program should be increased instead of having to suffer the cuts. I think that Indian people need to participate in the war on drugs.

We have some good programs. We have some good ideas. BIA needs to come up and listen to some of these ideas that we have.

The other issue that I'd like to address is having to do the BIA education initiatives. BIA's budget sets out a goal of raising the educational achievement level of Indians to meet or exceed the National norm by the year 2000. Certainly our schools are doing a good job in trying to enhance educational opportunities for the students. However, we have certain questions regarding the establishment of a goal of leading the National norm.

One of our primary concerns is how would one appropriately measure Indian school's progress toward the National norm if the measuring devices that are used are culturally-biased standardized tests? We would hope then, as a part of the BIA strategy, that it would give high priority to developing an evaluation instrument that is designed to assess the performance of children from different native American cultures and language.

I hear that for the past 10 years BIA has already had an education policy to do this, and it has never been implemented. We would ask the Committee to encourage BIA, or direct BIA, to do—I think it needs to be done.

The other thing is that in the BIA education initiatives there were three programs that are going to be a part of this early childhood project. They include early childhood, parent training, training of teachers, et cetera. However, the description of the program does not indicate that a tribal contract or grant schools are included. It just says, "Bureau schools," and we've been hearing that across the Nation as we go to hearings.

We ask that the Committee specify the Bureau to give us equal opportunity for contracts and tribal schools to participate. This should not be only for Bureau-funded schools.

Mr. ATKINS. Thank you.

Ms. BAHE. Thank you.

Mr. ATKINS. Thank you very much.

[The prepared statement of Ms. Bahe follows:]

TESTIMONY OF

LORENA M. BAHE, EXECUTIVE DIRECTOR
ASSOCIATION OF NAVAJO COMMUNITY CONTROLLED SCHOOL BOARDS

TO THE
HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE

March 14, 1990

Mr. Chairman and Members of the Subcommittee:

I am Lorena Bahe, Executive Director of the Association of Navajo Community Controlled School Boards. Our association represents the 13 schools on the Navajo Reservation operated by local school boards pursuant to contracts or grants with the Bureau of Indian Affairs.

I would like to address three issues today.

"Forward Funding". First, ANCCSB urgently seeks the Subcommittee's support to change the funding cycle for BIA-funded schools from the current October-September period to a July-June period. This change is sought to make the funding period more compatible with the academic year -- which runs from late August through May.

Under the present system, schools do not receive their funding -- or even know the final amount of that funding -- until late October or November (or sometimes even later), some three months after the new academic year begins. This makes advance budgetary planning very difficult. Significant decisions involving funding -- such as teacher hiring, textbook orders and new curriculum offerings -- must be made several months before the academic year begins Uncertainty about the amount of funding that will be supplied

forces schools to temper their hiring and purchasing decisions.

Schools are also limited in their ability to offer teacher salaries competitive with public schools if they do not know whether they will have the funds to pay them. This exacerbates the recruitment/retention problems already experienced by remotely-located reservation schools.

Statutory authority already exists to change the funding period for BIA-funded schools. It has not been implemented, however, because the needed extra funding for the transition year has not been appropriated. We understand that Congressman Kildee has asked the Budget Committee to include in the FY91 Budget Resolution sufficient funds to implement this change We urge this Subcommittee to support this request and to appropriate the needed one-time extra amount so that the new fiscal cycle for schools can begin in July, 1991.

In terms of budget line items, extra funding for the transition year would be required for the Indian School Equalization formula; student transportation; and school substance abuse counselors. Although the one-time additional appropriation is needed to cover a nine-month period, the amount needed is approximately 83% of the full year funding, because of the higher spend-out rate encountered during the academic year.

With regard to Budget Outlays, however, the Congressional Budget Office estimates that forward funding for <u>all</u> BIA education programs would increase FY91 Outlays by only $39 million.

Implementation of forward funding is one of the most beneficial things this committee could do for BIA-funded schools.

<u>Substance Abuse Counselors</u>. Although BIA officials have asserted that eliminating substance abuse is one of the Bureau's high priorities, we were very disappointed to note

that again this year the BIA seeks to cut $500,000 from the substance abuse counselor program because, according to BIA, they are having difficulty recruiting certified counselors. If there is such a shortage, the Bureau should use a portion of the budget to train more certified counselors, as this Committee suggested in its Report last year.

We would like to see BIA follow this suggestion, and train more Indian people as credentialed counselors to work with young substance abusers in our schools. The Bureau has indicated it has or will train teachers (whose positions are funded by ISEF) to fill the shortage. This is neither a good use of personnel nor a sound approach for attacking substance abuse problems. Teachers are trained and paid to teach. They do not have the time or the expertise to provide the indepth, on-going counseling certified personnel are prepared to render.

We urge the committee to reject the BIA's desire to cut this program. If anything, funding for this item should be increased. Our federal government has made a firm commitment to vigorously fight drug abuse -- particularly among school children -- and has earmarked significant resources to back up this commitment. Our national resolve must include full and qualified assistance for Indian children with substance abuse problems.

BIA Education Initiatives. The BIA's budget sets out the goal of raising the educational achievement of students in BIA-funded schools to meet or exceed national norms by the year 2000. Certainly our school boards are c ntinually striving to enhance educational opportunities for our students, and are working to develop curricula that will raise achievement levels.

We question, however, whether establishing a goal of meeting "national norms" has meaning in a reservation context. One of our primary concerns is how one would appropriately measure Indian student performance or progress

toward these "national norms." If the measuring devices are the existing culturally-biased standardized tests, the results would lack meaning and accuracy, and would, therefore, be of little value.

We would hope, then, that as part of its strategy, the BIA will give high priority to development of evaluation instruments designed to assess the performance of children from diverse Native American cultures and language backgrounds. Development of such culturally-specific evaluation tools has been one of BIA's stated education policies for over ten years (see 25 CFR §32.4(l)), but to date this policy has not been implemented. Without appropriate performance assessment instruments, reports of achievement levels lack context and are not educationally sound.

The budget identifies three new educational programs the BIA seeks to pursue as part of its education initiative. These are pilot projects for early childhood development and parent training; orientation/training programs for new teachers; and courses in educational methods for reservation-based teachers. Total funding of $2.5 million is requested for these three programs.

The description of these programs does not indicate whether schools operated by tribal school boards will be given equal opportunity to participate. Clearly, they should have such equal participation rights. We would ask, then, that in its Report, the Committee specify that the Bureau give equal opportunity for participation to all BIA-funded schools, including those operated by tribes under contracts or grants.

Mr. Chairman, we want you to know that Indian people are sincerely grateful for everything this Committee has done for the educational welfare of our children.

February 27, 1990

MEMORANDUM

TO: Christopher Mansour

FROM: Deborah Kalcevic, Congressional Budget Office

SUBJECT: The Federal Budget Effects of Changing the Appropriations for the BIA Education Programs From A Current-Year Funding Basis to A Forward-Year Funding Basis.

In response to your request, I have examined the federal budget impact of changing the appropriations for the BIA education programs from a current-year funding basis to a forward-year funding basis. The attached Table 1. shows the budget authority and outlay impact of this proposed change in funding as compared to the CBO revised baseline projections.

As we discussed on the phone, in order to avoid any disruption in school operations, the BIA education programs would have to receive two appropriations for fiscal year 1991. First, there would need to be a current-year appropriation available October 1990 to cover the costs of the 1990-1991 school year--similar to current law. Then, there would need to be a forward-year appropriation available July 1991 to cover the cost of the 1991-1992 school year--similar to Department of Education programs. Using the CBO revised baseline projections, 1991 budget authority would increase by $326 million; outlays would increase by $39 million. The outlay estimate reflects the assumption that the forward-funded monies would have a spending pattern similar to the Department of Education's forward-funded elementary and secondary education programs. In addition the outlays reflect the fact that the two 1991 appropriations would overlap one quarter and would both be available for obligation and expenditure during July 1991 through September 1991.

WEDNESDAY, MARCH 14, 1990

BUREAU OF INDIAN AFFAIRS

WITNESSES

MARCEL KERKMANS, EXECUTIVE DIRECTOR, ALAMO-NAVAJO SCHOOL BOARD

Mr. ATKINS. Alamo-Navajo School Board, Marcel Kerkmans?

Mr. KERKMANS. Good morning, Mr. Chairman. My name is Marcel Kerkmans. I'm the executive director for Alamo-Navajo School Board.

There are several issues covered in my testimony, and I'd like to concentrate on two of them. Specifically, the formula funding program in the ISEF and teacher salaries increases. At Alamo, the effect of the funding would allow for about a 1 percent increase in their teacher costs, increased by 10 percent. The weight of the student unit effect basically was $220, but I'm short in meeting the teacher raises.

I looked at several of the other contract schools and grant schools and have done some projections on BIA Eastern Navajo Agency, and the shortfall seems to be as low as $109 per WSU and as high as $290 per WSU, depending upon the number of students and the experience level of teachers.

I think that the shortfall is really a matter of teachers and what degrees, and the number of years of experience there. The DOD system basically pays the higher wages for more experience. It is clear to me that a supplemental has to be requested this year to provide the funds so that those raises can be done.

I would suggest that at a minimum we do $150 per WSU to take care of that problem. The reasons for the shortfall, first, I think is that the Bureau has always underestimated the likely student enrollment in the system. Consequently, not enough funds are distributed. In 1990, the BIA predicted an enrollment of 39,100 students. The actual enrollment was 39,800. That is a 700-student difference. The actual additional students were 400 students last year.

The request in 1991 is, again, going back down to the lower level, and I have a feeling that we will keep those children, not actually drop 400 students. I think we should keep the level requested for next year at the same student level.

Mr. ATKINS. If I could just have you focus, we just have a very little bit of time left, your concerns about the early childhood development initiative.

Mr. KERKMANS. Well, basically, Alamo is an organization that provides health services, educational services, and Headstart services. I would like to see more money sent down to local organizations that can better utilize those funds. We have 110 children that are eligible for Headstart services, for instance. We only can service 35 because of the facilities. We can only service 35 of those students because of funding problems.

I don't think we've addressed that problem through the Bureau. If we're going to, then it should go down to the local level.

Mr. ATKINS. Okay. Thank you very much. We have your full statement, and that will be entered into the record. We appreciate your comments. Those are very helpful for the Committee.

Mr. KERKMANS. Thank you.

[The prepared statement of Mr. Kerkmans follows:]

TESTIMONY
BIA FY91 BUDGET REQUESTS
Alamo Navajo School Board, Inc., and
The Alamo Chapter of the Navajo Nation
by Marcel S. Kerkmans, Director, ANSB, Inc.

Alamo Navajo School Board, Inc. was established eleven years ago by the Alamo Chapter of the Navajo Nation as its Administrative arm for operation of Federal programs for the people of the Alamo Reservation in S.W. New Mexico, through P.L. 93-638 Contracts and Grants from Agencies of the Federal Government and the State of New Mexico. We currently operate 16 such Contracts and Grants with a combined total of $4.3 million.

Indian School Equalization Formula and Teacher Salaries. P.L. 100-297 directs BIA to pay teachers in accord with DOD teacher salary rates, phasing in over three years. At Alamo, we have found that even with the additional funding provided by Congress last year for the first 1/3 of the teacher salary increase, we are still $107,000 short of what we need to achieve this goal. This works out to a shortage of $220/WSU. We must emphasize this is the minimum we would need even without any other additional spending on the education program.

Our experience is not unique. Most, if not all schools in the BIA system are experiencing a shortfall, too. The shortage amount per WSU will vary from school to school, depending upon the composition of its teaching staff (number of higher-compensated experienced staff v. lower-paid beginning teachers), and the number of WSUs the school has. We do not have access to the data needed to calculate the system-wide shortage. We have, however, been working with our colleagues at the BIA's Eastern Navajo Agency -- which runs 15 schools -- to get a broader perspective on the size of the shortfall. We estimate that Eastern Navajo Agency-wide, the shortage is an average of about $150/WSU.

Mr. Chairman, it is significant to note that the per WSU increase from FY89 to FY90 was not even enough to enable us to meet the 4.2% inflation factor. And this calculation includes the $8 million Congress appropriated just for teacher salaries. If we cannot keep up with inflation, how are we going to be able to improve our teacher salary scales?

If we are going to implement Congress's directive on teacher salary increases, we need an FY90 supplemental appropriation. We urge this Committee to include such an item in the FY90 Supplemental Appropriation bill currently under consideration.

Why are we experiencing this ISEF funding shortfall? We have been able to identify at least two reasons:

First, the BIA's budget requests are artificially low. BIA continues to underestimate school enrollment, and therefore, requests less funding than is actually needed for the ISEF.

The last two BIA budgets are perfect examples. For FY90, BIA estimated the student population would be 39,100, but enrollment actually reached almost 39,800. Since funds are appropriated and distributed on the basis of enrollment (converted into WSUs), this sizeable underestimate has significant adverse impact on funding.

In FY90, the BIA system actually experienced a 400 student increase over the FY89 enrollment. We note with alarm, however, that BIA projects nearly a 400 student decrease for FY91. Does BIA expect the students who dropped in for FY90 to drop out in FY91? We recommend that the Committee revise the projected FY91 enrollment to remain at least at the FY90 level.

The consequence of the irrational projected decline in enrollment is the BIA's request to shave $1.2 million from the ISEF request. Even if the system did lose the 400 students (which is highly unlikely), the funding need would not decline in an amount equal to the WSU value of 400 students. An individual school's enrollment would have to decline in sufficient numbers -- at least 20 students in the same grade -- in order for the school to save the salary of even one teacher. Accreditation standards limit us to a maximum student-teacher ratio in each class. Our accreditation is jeopardized if we exceed that ratio. Thus, if, for example, a k-12 school loses two students per grade, its funding loss (at FY91 WSU rate) would be $79,000. This is more than two teacher salaries. We could not, however, reduce our staff by two without significantly altering our student-teacher ratio in two or more classes, as we would jeopardize our accreditation. We ask the Committee to reject BIA's $1.2 million decrease in ISEF funding.

Second, we fear there is a basic flaw in the method for distributing teacher salary funds. BIA has chosen to distribute these funds through the WSU system. Experience such as Alamo's shows, however, that teacher salary increases and WSUs do not necessarily relate to one another. This is so because the composition of the teaching staff -- in terms of education and experience -- is not directly related to a school's enrollment level.

We would suggest that BIA gather certified data on each of the 2500+ educators in the BIA and Contract/Grant school system, perhaps with the assistance of the BIA teachers union, to precisely identify the funding needed to bring each educator 1/3 of the way to the DOD level over the three-year period. It should not be difficult to perform such a survey for this small number of employees. The surveyors must take account of the different number of work days and work hours per day between the DOD and BIA systems, and the DOD's practice of retroactively compensating its teachers when new salary schedules are devised each Spring.

This survey should be undertaken so that Congress can be informed just what amount is needed as it makes its appropriations decisions. Armed with these data, funds appropriated for teacher salary increases can be precisely distributed in the sums dictated by actual need.

Administrative Cost Issues. In reviewing the current Budget Justification we were struck with the frequency with which FY90 Congressional "add-ons" were deleted for FY91, and clearly "program" accounts were cut, while "Administrative" accounts seemed to have increased. We attach a full-scale attempt to identify both program and administrative accounts, Bureau-wide, based on the text of the Justification (Attachment A). What we found was: (1) Clearly "program" funding proposed showed an absolute decrease below FY90 levels of $36.5 million (when adjusted for the one-time-only $54 million in FY90 for Calendar Year contracting), or a 3.8% decrease. (2) Seemingly, proposed "administrative" funding showed an absolute increase over FY90 levels of $45.2 million, or a 39.4% increase.

When calculated as an increase over the "base" level, "program" showed decreases of 6.1% while "administration" showed increases of 17.6%.

We double checked our findings with an independent check on the Indian Priority System accounts (Attachment B), finding a similar trend.

We also made some comparisons between Indirect, or Administrative Cost "rates" Bureau-wide, for BIA operated Education, and under the Contract/Grant school funding for Administrative Cost Grants (Attachment C). What we found was: (1) Bureau-wide, there is an Administrative Cost Rate-Equivalent of 20.2%. Surely an organization as large as BIA should realize better "economy of scale" in its Administrative operations than this. (2) BIA-operated Education has an Administrative Cost Rate-Equivalent of more than 17.7%. This is better than the Bureau as a whole, but still seems high for an organization with over $255 million in program funding. (3) Contract and Grant Schools under the Administrative Cost Grant totals proposed for FY91 will have an overall Administrative Cost Rate-Equivalent of less than 27.6% (i.e., only 7.4% more than apparent Bureau-wide expenditures for administration), which must cover heavy costs, such as Audits and Insurance, which BIA operations do not have to pay. It is noteworthy that these organizations are, by and large, the smallest 638 contractors or grantees in the system, with a greater percentage of fixed costs to cover what simply are not subject to economy of scale reductions.

We trust the BIA's promised FY90 study of the factors in the Administrative Cost formula will begin to remedy these inequities.

Forward Funding. We support the testimony of other Indian Education organizations urging the "Forward Funding" of BIA Education Programs. This is perhaps the greatest single improvement that could be made in BIA school programs. Even as a Grant school, with provisions in the law for advances at the beginning of the fiscal and calendar years (which have improved matters greatly), BIA is so slow in processing funds through its system that our operation of BIA programs is seriously hampered.

Early Childhood Development Initiatives. We are concerned that BIA's new educational initiatives are being used to establish steadily increasing levels of "discretionary grant" funding at the Central Office level. We note that BIA has expanded the Formula Adjustment line item every year (since it was started to accommodate declining enrollments and new school starts) and has never submitted any data in its Budget Justifications to show the results of any of its past or present initiatives, before asking for additional ones.

We still remember the time before the legislated establishment of the ISEP formula, when favored "showplace" boarding schools had up to $15,000 per student, while isolated Navajo day schools such as ours had only $900 per student. We do not want to see such a pattern of bureaucratic patronage for favored institutions reestablished at the Central Office. We would rather see this funding put into the ISEP formula base, and Central Office staff used to train local school board members in their own decision making regarding educational improvements.

At Alamo, we would use such additional funding to coordinate our early childhood education programs with our Head start and health

services programs. Because of our high birth rate,we have a large number of very young children to serve and a critical shortage of facilities in which to provide such services. But we do not now have the financial resources to appropriately plan to meet those needs.

Student Transportation. We are concerned with an apparent move to "bury" student transportation funding in the ISEP formula base. This item has been seriously underfunded every year, with no attempt by BIA to project steadily increasing bus mileage or costs. We attach a study (Attachment E) of both the funding history, and of our current home/school and activity bus costs. According to our estimates, we need between $1.53 and $1.58 per mile, for an estimated 11,435,800 miles in FY91 system-wide, or an additional $5 million in this fund, to cover actual home/school transportation costs.

We are also concerned that BIA is only asking for 15 "replacement" GSA buses. At Alamo alone, we need 4 additional GSA buses to replace ones we purchased several years ago that are now completely worn out, and 3 "replacement buses" for GSA vehicles that are no longer really "roadworthy."

Related Roads Issues. We are deeply concerned about the rapidly diminishing funding for rural dirt road maintenance on the reservation. We attach a study (Attachment D) of Eastern Navajo Agency Road Maintenance funding over the last four years. We have received such poor service from BIA roads that we are now in the process of 638 contracting BIA Road Maintenance for our reservation, on behalf of the Alamo Chapter. Major additional funding appears to be needed for this BIA Department, with Congressionally established priorities for improvement of unpaved reservation School Bus routes.

We wish to thank the Committee for this opportunity to make our views known, and to share information with you from the field, regarding the FY91 Budget Request of our major funding source, the Bureau of Indian Affairs.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

PRESTON McCABE, PINON COMMUNITY SCHOOL BOARD

PHYLLIS BADONI, EXECUTIVE DIRECTOR, PINON COMMUNITY SCHOOL BOARD

Mr. ATKINS. Pinon Community School Board, Preston McCabe?

Mr. MCCABE. Good morning, Mr. Chairman.

Mr. ATKINS. Good morning.

Mr. MCCABE. My name is Preston McCabe, and I have here with me the executive director, Phyllis Badoni.

I'm here today on behalf of Pinon Community School Board, which I am a member of, and I'm also the chapter president of the Pinon Navajo nation. While we call it the school board, we don't operate a school, we have a dormitory that we operate under the self-determination act, the contract with the BIA.

We are one of the four host communities on the Navajo reservation that are opened up to the joint-use area relocation families. I'm here today to ask for your help on three problems concerning the BIA education construction.

First, we need the Committee's help in assuring equal consideration in the construction priority system will be given to applications for new dormitory construction. For the past three years, our school board has submitted applications for construction of a new dormitory facility only to learn last year that the dormitory applications receive a lower priority than new schools and classrooms applications. Mr. Chairman, we believe this is unfair to the children that we serve and an unwise policy for the Department.

Our dormitory is a feeder dormitory which houses young children who need a place to live in order to reach their Pinon public school which is located one mile from our dormitory. Our children live in remote areas, and it is inaccessible to school buses. It is too far from roads with bus stops. We also house a number of kids that are neglected, abused children, and our children, which are placed there by the tribal courts as well as social services.

Our dormitory enrollment has nearly doubled in the past three years, jumping from 70 to 135 children. Our buildings are old. The main building is now 55 years old. Our facility has outdated plumbing, heating, electrical systems, and it contains asbestos. Additionally, we cannot handle handicapped children.

Mr. Chairman, we need a new dormitory which can house our children safely and humanely and can serve more children who need housing in order to get to school. We are not asking for special treatment. We're just asking for equal treatment in the consideration process.

The fact that we want to build bedrooms instead of classrooms is no less important to the educational welfare of our children. While it appears that the Department has agreed to give dormitory application equal consideration this year, we're not sure that they will do so. Therefore, we're asking for the Committee's help in clearing up this situation.

Mr. ATKINS. Let me just suggest to you on that that this is an issue which has troubled this Committee as well. We will, when the BIA comes up here for their testimony, we will be asking them that question for the record, and we look forward to working with you to correct the inequity that exists.

You have 135 children in your dorm presently?

Mr. MCCABE. Yes. That's——

Mr. ATKINS. How many of those are placed in your care by the tribal courts?

Ms. BADONI. About 10.

Mr. ATKINS. That wouldn't include tribal courts or social services. Ten of the 135?

Ms. BADONI. Yes.

Mr. MCCABE. Second, Mr. Chairman, we urge the Committee to increase the budget for new BIA education construction. Schools and dormitories throughout Indian country are in a terrible and substandard condition. Despite the increasing level of need, we are troubled to learn that the BIA has asked for less funding in education construction projects in fiscal year 1991.

We call upon this Committee to raise the education construction budget so that at least three new educational projects can be undertaken this year.

In the past several years, only two new projects have been funded each year. These required additional funding in the next year. At the rate that this is, it could take more than 20 years just for the new construction effort to get funding as new applicants join the list.

For the third item, we ask for your help in enforcing the BIA's dormitory criteria. For some reason, the dormitory standards have been ignored by the Department. Federal law requires that the Secretary of the Interior implement the minimum dormitory criteria found in the BIA regulation.

The law also requires the Secretary to file with the annual budget a detailed plan for bringing all boarding facilities up to the BIA criteria. We haven't found this report in the fiscal year 1991 budget, and we don't believe one has ever been filed in the past five years.

Congress, once again, tried to see that this requirement is fulfilled in Public Law 100-297. This law required the Secretary to report to Congress by May 1, 1989, the costs of complying with the BIA dorm's criteria. To the best of our knowledge, this has never been reported either. We don't understand why the Department has placed such a low priority on dormitories. Children spend more time in the dormitories than in classrooms.

For health and safety and well being of the children, it is imperative that all dormitories be brought into compliance with BIA criteria.

Mr. ATKINS. Thank you. We'll be raising that issue with the BIA as well when they come before us. We, too, are concerned with the fact that they haven't even responded to the specific direction for them to report back to the Congress by a date certain last May.

Thank you.

Mr. MCCABE. Okay. Thank you for letting me address you today.

[The prepared statement of Mr. McCabe follows:]

TESTIMONY OF

PRESTON McCABE, MEMBER, PINON COMMUNITY SCHOOL BOARD

PINON, NAVAJO RESERVATION, ARIZONA

TO THE

HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE

March 14, 1990

Mr. Chairman, my name is Preston McCabe. I am here today on behalf of the Pinon Community School Board of which I am a member, and the Pinon Chapter of the Navajo Nation which I serve as President. While called a "school board", our Board does not run a school. Rather, we operate a dormitory under a Self-Determination Act contract with BIA. You may also be aware that we are one of four host communities on the Navajo reservation for Joint Use Area relocation families.

I am here to ask for your help with three problems concerning new BIA education construction.

First, we need the Committee's help in assuring that equal consideration in the construction priority system will be given to applications for new dormitory construction. For the past three years, our School Board has submitted an application for construction of a new dormitory facility, only to learn last year that dormitory applications received lower priority consideration than applications for new schools or classrooms. Mr. Chairman, we believe that this is not only unfair to the children we serve but also an unwise policy for the Department to pursue, especially in situations such as our own.

Our dorm is a "feeder" dorm housing very young (primary grade) children who need a place to live in order to reach the Pinon Public School, located one mile from our dorm. So many of our children live in remote areas inaccessible to school buses and much too far away from the roads having bus stops for them to safely walk the distance alone. We also house a number of

neglected or abused children placed in our care by the tribal courts and social services. In the past three years, our dorm enrollment has nearly doubled, jumping from 70 children in 1988 to 135 children in 1990. Our facilities are simply too small to handle the number of students we enroll each year.

Our buildings are old (the main dorm is 55 years old this year), have outdated plumbing, heating and electrical systems, and contain asbestos. Additionally, our buildings are not equipped to handle handicapped students. In short, Mr. Chairman, we need a new dormitory which can house our children safely and humanely, and will enable us to serve more children who need housing in order to attend school. We are not, however, asking the Committee for preferential treatment. We are just asking for your assurance that we will receive equal treatment in the new construction consideration process. The fact that we want to build bedrooms instead of classrooms for our facility is no less important to the educational welfare of our children. We have corresponded with the Department of the Interior concerning this matter. While it seemed that the Department has agreed to give dorm applications equal consideration this year, we are not entirely convinced that this is so. Therefore, we ask for the Committee's help in clarifying this situation.

Second, Mr. Chairman, we urge the Committee to increase the budget for new BIA education construction. Schools and dorms throughout Indian country are in terrible and substandard condition. This is evidenced by the regular submission of over 30 applications for new school or dorm construction projects each year, as well as the long list of facilities improvement and repair projects, only a few of which actually receive funding.

Despite the increasing level of need, we are disheartened and troubled to learn that the BIA has asked for less funding of education construction projects in FY 1991.

We call upon this Committee to raise the education construction budget so that at least three new education

projects can be undertaken each year. In the past several years, only two new projects have been started each year, and the majority of those require second-phase funding the following year. At this rate, it may take more than 20 years just for the current 30+ new construction applicants to receive funding. The waiting period grows even longer, of course, as new applicants join the list.

The third matter for which we ask your help is the enforcement of the BIA's dormitory criteria. For some inexplicable reason, the requirements of the law regarding dormitory standards have been ignored by the Department. Federal law (25 U.S.C. § 2002) requires the Secretary of the Interior to implement the minimum dorm criteria set forth in the BIA regulations. The law also requires the Secretary to file with the annual budget a detailed plan for bringing all boarding facilities up to the level specified in the criteria. We do not find such a report in the FY 1991 budget, and we do not believe one has ever been filed during the past five years (or even earlier).

In P.L. 100-297, Congress again tried to see that this requirement was fulfilled. P.L. 100-297 required the Secretary to report to Congress by May 1, 1989, on the cost of complying with the BIA's dorm criteria. To the best of our knowledge, this report has never been filed, either.

We do not understand why the Department has placed such a low priority on dormitories. Children spend more hours per day in the dormitories than in the classrooms. For the health, safety and well-being of the occupants, it is imperative that all dorms be brought into compliance with the BIA criteria. This will never happen unless the Department agrees to give some long-overdue attention to school dorms, as Congress has directed.

Mr. Chairman, thank you for letting me address you today.

-

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

JIMMIE C. BEGAY, DIRECTOR, ROCK POINT COMMUNITY SCHOOL BOARD

Mr. ATKINS. Rock Point Community School Board, Jimmie C. Begay?

Mr. BEGAY. Good morning. Mr. Chairman, my name is Jimmie C. Begay, director of Rock Point Community School on the Navajo reservation in northern Arizona. We are a contract school operating a K to 12 program. In 1989, we had 450 students enrolled. This past year we have 473, which represented a 5 percent increase in enrollment.

We are proud that we have a very strong bi-lingual program which is well known and well thought of throughout Indian education. We believe that a strong bi-lingual program builds a positive self-concept. Also, these students are learning, achieving, according to the National tests, which are used, and we know that they are developing good abilities in reading, writing, language arts, and math. We are also proud of their ability to speak, read, and write the Navajo language.

The Rock Point School Board is concerned with issues pertaining to Indian education. One is the fiscal year 1991 budget as submitted by BIA. We feel that not enough time and attention was given to the budget. One of the things that they are asking for is a 10-year goal called Indian Education Initiative.

Their goal is to raise the achievement level to a National norm. As educators, we feel there are many variables and needs that must be addressed prior to pushing for the 10-year goals, so this budget needs to be looked at carefully, and also it needs to be thought out carefully to achieve some of these goals.

Our top concern for our school is the school construction. Last year 34 schools applied for the construction. Out of that—we were ranked 8th. Again, not enough funds were allocated for construction. With ever-increasing enrollment and anticipated continued growth in coming years, it is necessary that our students have adequate and appropriate classrooms to support the learning process.

We have our secondary classes being held in the converted dormitory building, which was constructed in 1963. This building was not designed to be a school, and existing space is not functional. Every essential building system in this facility is inadequate or obsolete, including poor insulating, heating, ventilation, and wiring. There are large cracks in the cement block walls, and it does not meet fire prevention codes.

Last year a validation report was prepared by Support Services, Inc. from Silver Spring, Maryland, for the BIA facilities and construction center in Albuquerque. The report concluded that a review of the architectural, demographic, and education program data collected during site visits indicate that a new facility is in order for Rock Point and can be justified by BIA guidelines for new construction.

30-252 O—90——3

In the request for construction, we recommend a $25 million appropriation on an annual basis to build three schools per year and also recommend an increase in funding in school construction.

The other item I would like to cover is a White House conference on Indian education. In the 1988 Hawkins-Stafford Education Act, Congress directed the President to call a White House conference on Indian education. Again, to the dismay of Indian tribes and Indian educators nothing has been done by either party to get a conference going, so we feel there needs to be some oversight by this Committee, which has funding jurisdiction over both BIA and the Department of Education in Indian education. We will not see this conference called by September 30, 1991, as planned.

We then ask that from this Committee that additional funding for this conference be included by this Committee in the Interior and related agencies fiscal year 1991 budget with a specific direction that Secretaries of both Departments appoint a task force called for in the law and immediately undertake planning for the conference.

In conclusion, the Rock Point Community School Board is also submitting a resolution which authorizes five specific requests to be considered when finalizing the budget for fiscal year 1991.

I also wanted to highlight the resolutions. One of the main things that we are concerned about is the transportation costs for our school. In fiscal year 1989, our costs of transportation per mile was $1.82 per mile, while we are allocated from BIA $1.19 a mile, so the difference is on our transportation—a lot of it through repairs and maintenance costs. Also, we have dropped the instruction programs for the kids and use the money for transportation.

Thank you.

Mr. ATKINS. Thank you. Let me just assure you that this Committee as well is concerned about the lack of progress on the White House conference. We will be following up with the BIA and the Department of Education. However, the money last year was put in the budget. The responsibility is in the White House. It was in the budget for the Treasury and the Postal Service, which also handles the budget for the White House. We will be urging them to get started. The conference is supposed to take place prior to 1991, and if they don't start doing the planning this year, there's not going to be a conference. I think that would be truly unfortunate.

Thank you.

Mr. BEGAY. We really appreciate it. Thank you.

[The prepared statement of Mr. Begay follows:]

ROCK POINT COMMUNITY SCHOOL
ROCK POINT, ARIZONA 86545
PHONE: (602) 659-4221

POSITION PAPER

Yaateeh, Mr. Chairman and Members of the Committee. My name is Jimmie C. Begay, Director of Rock Point Community School on the Navajo Reservation in northern Arizona. Rock Point is a contract school operating a K-12 educational program for the community. In School year 1988-1989 we had 450 student enrollment. This year we have 473 students, representing a 5% increase in enrollment. We are proud of our strong bilingual program, which is well known and well thought of throughout Indian Education. We believe that a strong bilingual program builds a positive self-concept. Our students are learning and achieving according to their CTBS test scores. They are developing good academic abilities in reading, language arts, and math. We are also proud of their ability to speak, read, and write in the Navajo language.

The Rock Point School Board is concerned with several issues pertaining to Indian Education. The fiscal year 1991 budget as submitted by the Bureau of Indian Affairs is one of the issues which concerns us. We feel that not enough time and attention was given to the budget. The BIA is pushing for an Indian Education Initiative over the next ten years. One goal is to raise the achievement level to the national norm. As educators, we feel that there are many variables and needs that must be addressed prior to pushing for the ten year goals. We believe that it will taken an increase in funding plus a lot of hard work to achieve these goals.

Our top concern is for Secondary School Construction, which we judiciously sought last year. Out of 34 Indian school applications, we were ranked 8th, but not enough funds were allocated for construction. With our increased enrollment this year, and anticipated continued growth in the coming years, it has become absolutely necessary that our students have adequate and appropriate classrooms to support the learning process.

Secondary classes are being held in a converted dormitory building that was constructed in 1963. This building was not designed to be a school and the existing space is not functional. Every essential building system in this facility is inadequate or obsolete, including poor insulation, heating, ventilation, and wiring. The cement block walls have many large cracks, and the building does not meet fire prevention codes. The building's many deficiencies present serious health and safety hazards for students and staff.

Last year, a validation report was prepared by Support Services, Inc., Silver Spring, Maryland, for the BIA Facilities Management and Construction center in Albuquerque. The validation report concluded:

> "Review of the architectural, demographic, and educational program data collected during site visits indicate that a new facility is in order for Rock Point, and can be justified by the BIA guidelines for new construction." (page 15)

We appreciate your support as we continue to seek funding for a high quality facility to match the strong educational program that we have developed at Rock Point.

White House Conference on Indian Education. In the 1988 Hawkins-Stafford Education Act, Congress directed that the President should call a White House Conference on Indian Education. Last year, Congress appropriated $500,000 to the White House budget so that the Secretaries of Interior and Education could begin planning for this Conference.

Much to the dismay of Indian tribes and Indian educators, little has been done by either Department to get Conference planning underway. We fear that without some oversight by this Committee -- which has funding jurisdiction over both BIA's and DoEd's Indian education programs -- we will not see this Conference called by September 30, 1991, as Congress directed.

We ask, then, that additional funding for the Conference be included by this Committee in the Interior and Related Agencies FY91 budget, with specific directions that the Secretaries of Interior and Education immediately appoint the Task Force called for in the law and immediately undertake planning for the Conference.

In conclusion, the Rock Point Community School Board is submitting a resolution which authorizes five specific requests to be considered when finalizing the budget for fiscal year 1991.

Thank you.

ROCK POINT COMMUNITY SCHOOL
ROCK POINT, ARIZONA 86545
PHONE: (602) 659-4221

RESOLUTION OF THE ROCK POINT COMMUNITY SCHOOL BOARD CONCERNING BIA BUDGET REQUEST - 91 VIS-A-VIS THE EDUCATIONAL NEEDS OF INDIAN CHILDREN

WHEREAS:

1. Dollar amount proposed per weighted student (WSU) unit is $2670 for FY91 and the minimum need to implement the BIA payscale comparable to Department of Defense scale for teachers and counsellors is $2786 per WSU which will include Fringe Benefits and a 4% contribution to Pension Plan, (this figure is based on RPCS's need), and

2. BIA intends to merge transportation cost per mile into school operation line item resulting in the inability for the School Boards to determine whether enough has been provided therein for transportation. In FY89, Rock Point School's cost of transportation per mile was $1.82 against $1.19 provided by BIA resulting in the inordinate use of Education money. The condition of the buses remains in the need of constant repair because of their age and not being replaced and no addition to the fleet, resulting in extensive repair and maintenance costs, and

3. BIA has proposed a decrease in the funding of Substance Abuse Counsellor's line item against the persistent need of such counselling and training to reverse the trend of rise in the drug and substance abuse among the Navajo youth, and

4. The needs of fundings to operate and maintain the old facilities is increasing and the amount generated by FACCOM formula is decreasing leaving an ever widening gap in the needs and means, and

5. No money was allocated for White House conference as per PL 100-297 in FY90 nor is proposed in FY91 budget.

BE IT THEREFORE RESOLVED THAT:

The Congress in general and this subcommittee is particular help the schools of Navajo reservation so that;

1. The WSU for FY91 be increased to adequately cover the increase in the salaries and benefits of the teachers and counsellors at the level prescribed by BIA, and

2. Transportation amount is (a) not merged with the School Operation Fund and (b) that mileage is provided in adequate amounts so that the cost of transportation of the students does not eat up the cost of their education, and

3. The fund for Substance Abuse Counsellor is not decreased, rather allocated at a higher level to meet the need adequately, and

4. Funds for the operation and maintenance is provided adequately to meet the required need and that there is fund also provided for unforeseen needs if FACCCM formula continues to be used; and

5. Adequate fund is provided to meet the cost of White House conference in FY 91.

C E R T I F I C A T I O N

The foregoing resolution is approved and adopted by the School Board of Rock Point Community School at a duly called and attended meeting at Rock Point on this the 16th day of March 1990, adopted by a vote of 5 for, 0 against and 0 abstensions.

James W. Begay, Chairman

James W. Begay, Member

Paul J. Jones, Vice-Chairman

Lucy R. Jones, Member

Frank W. Begay, Sec./Treasurer

Alice P. Wilson, Member

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

LAUREN VILLA-GOMEZ, PRINCIPAL, WOUNDED KNEE DISTRICT SCHOOL
CHARLOTTE BLACK ELK, MEMBER, WOUNDED KNEE DISTRICT SCHOOL BOARD
ALEX WHITE PLUME, CHAIRMAN, WOUNDED KNEE DISTRICT SCHOOL BOARD

Mr. ATKINS. Wounded Knee District School?

Ms. BLACK ELK. Mr. Chairman, my name is Charlotte Black Elk. I am a member of the Wounded Knee District School Board, and I'm accompanied by Dr. Lauren Villa-Gomez, principal, and by Alex White Plum, chairman of the Wounded Knee District School Board. We appreciate this opportunity to testify before this Committee. We're also quite relieved to be in Washington where it's warm. There is a major blizzard roaring back home.

We are concerned about not only the historic underfunding of Bureau of Indian Affairs education, but also the continuing underfunding. The State of South Dakota is 49th in average teacher salary levels and 49th in per-pupil expenditures. We are being funded at half of the South Dakota level.

We are offering approximately $5,000 less at every salary level. This causes us some concern given the fact that Public Law 100-297 requires comparability with Department of Defense salary levels.

We would need 25 percent in our current budget just to reach parity with the State of South Dakota and 42 percent to be at parity with the Department of Defense levels.

Last year, the Bureau of Indian Affairs received a 7½ percent increase over the previous year. That translated into a 2 percent increase at our level. We feel that this Committee needs to take whatever steps are necessary to ensure that whenever there is an increase that that be tracked down throughout the whole system. We feel that, given the fact that the Administration has a right to administer the programs, there is an unfairness and abuse within that system.

We are prepared to support the abolishment of area offices in order to free up those monies within existing budgets, and we appreciate this opportunity to be here, and I'd like to yield to my time to Dr. Villa-Gomez.

Dr. VILLA-GOMEZ. My name is Dr. Lauren Villa-Gomez. I want to address the committee very briefly on our school funding cycle and the manner in which we receive our funding. Because we don't receive our funding on a timely basis, it has caused us problems in being able to operate our school in a manner which is in the best interests of our children.

From a practitioner's standpoint, I have not been able to hire my kindergarten teachers until November of the school year because our funding was unstable, and we weren't quite sure what funding level we were going to receive.

We have only recently received our alcohol and drug supplemental funding. We all know that this is a very important area and a concern all over the country. It certainly is for us.

We also have not received our gifted and talented supplemental funding. We have been operating that program on funds that we had received last year. In addition, we have not received our total operations budget, and this has made it impossible for us to hire a full staff, which takes my time away as an instructional leader. We all know that one of the initiatives in the BIA plan was to emphasize principals as instructional leaders.

Accordingly, the Wounded Knee District School respectfully suggests, and seconds what other witnesses have discussed, that Congress consider a forward funding program, which would help us deal with these kinds of problems.

Mr. ATKINS. Thank you.

Mr. WHITE PLUME. We feel that the educational agenda of President Bush, Secretary Lujan, and Assistant Secretary of Indian Affairs Brown will best be served by practicing the true spirit of local control and self-determination. Our school board is on record of supporting the school board of education on our reservation, and we feel that this will help develop local tribal accreditations and teacher certification standards, so we can have true Indian education.

We'd like to recommend that this be a budget line item for fiscal year 1991 at $200,000. The current BIA regulations require that we meet certification standards of our local State. The State legislature passed several laws, but nowhere in the BIA budget do you see these changes, money added on to meet these changes, so this is kind of putting a burden on us.

At this time, I would also like to take the opportunity to—I'm also on the board of parks and recreation authority. We asked for $330,000. We got half of that; $180,000 more is needed to bring this up to standard. We are also working on a museum at the Wounded Knee, the Massacre of Big Foot. This is the 100-year celebration of that. We'd like to ask for a $75,000 appropriation to start a fundraising so we can build our own museum, and I think that this was handed up to you.

I'd like to thank you.

Mr. ATKINS. Thank you very much, and both your statement and those supplementary materials will be added into the record.

Ms. BLACK ELK. Thank you.

[The prepared statement of Ms. Black Elk follows:]

PREPARED STATEMENT OF
CHARLOTTE A. BLACK ELK, MEMBER
WOUNDED KNEE DISTRICT SCHOOL BOARD
ON
BUREAU OF INDIAN AFFAIRS
BUDGET REQUEST FOR FY'91
BEFORE
UNITED STATES HOUSE OF REPRESENTATIVES
THE APPROPRIATIONS COMMITTEE
14 MARCH 1990

Mr. Chairman and members of the Committee:

My name is Charlotte A. Black Elk. I am a member of the Wounded Knee District School Board, I am accompanied by Dr. Lauren Villa-Gomez, Principal and Alex White Plume, Chairman of the Wounded Knee District School Board. We appreciate this opportunity to testify before the Interior and Related Agencies Subcommittee of the House Appropriations Committee on the education section of the Bureau of Indian Affairs budget request.

The Wounded Knee District School is a tribal school, of the Oglala Sioux Tribal educational system, providing academic services for 208 students from kindergarten through the eighth grade. Our school is located in the west central portion of the Pine Ridge Indian Reservation in south-western South Dakota. Our school district is comprised of the fastest growing communities on the reservation and our classrooms are nearing the level of being overcrowded.

Mr. Chairman, you are well aware of the historical record of massive underfunding of education that has occurred with the Bureau of Indian Affairs over the past century and more. As a tribal school, we are charged with providing every educational service for a self-contained school system and we are not adequately funded.

The State of South Dakota is forty-ninth (49th) in average teacher salary levels and forty-ninth (49th) in per pupil expenditures spending an average of $23,000 for teacher salaries and $5,300 for per pupil expenditures. In the current fiscal year, we are receiving $2,451 per weighted student unit in operations. A cursory review of our budget shows that we are less than one-half (1/2) of the South Dakota level.

The funding level we receive means that we are offering our teachers approximately $5,000.00 less at each salary step than a state school system that is 49th in the nation. Indeed, we were informed by the local BIA Agency that our salaries are far below the prevailing wage scales for the area. We have been able to operate at this low level primarily because all but two of our teachers are at or near the entry level.

We note that P.L.100-297 requires that BIA funded schools

increase teacher salaries to the rates paid by the Department of Defense. Yet the increase in ISEP levels does not adequately reflect this requirement. To even achieve parity with the State of South Dakota would require an across-the-board increase of twenty-five percent (25%) in our current budget without any consideration for other improvements in educational quality. To reach a level of entry parity with the Department of Defense levels we are looking at an increase of forty-two percent (42%)!

This funding situation brings to mind a childhood story we all read in elementary school - you remember the one about "nail soup". As a tribal school, we are given a rusty crooked nail - an insufficient budget - and told to be like the old warrior of legend and make soup fit for the emperor. It is not possible - we don't have an lady with a stash of goodies to scheme off of to enhance the absolute minimum of resources.

One alternative we suggest the Committee to consider is the restructuring of the BIA organizational system to release existing funds. Abolishing the Area Offices and re-distributing those savings within the education division would free up funds while not costing Congress any new monies. At one time, the BIA Area Offices probably served a very necessary function by providing tribes and agencies with regional access to information and decision making. In this high-tech age of instant access, the Area Offices are simply an added layer of bureaucracy that has outlived its usefulness.

On Monday and Tuesday of this week, Assistant Secretary for Indian Affairs Dr. Eddie Brown, conducted a regional mini-summit on education in Rapid City, South Dakota. I thought I was back in the early 1950's, listening to the "plan" being delivered to us. There was a report of a seven percent (7%) increase over last year in the proposed budget. That is simply not enough!

The 1990 budget line for School Operations was increased at a level of seven and one-half percent (7.5%) over FY'89 at the appropriations level, however our grant reflected an increase of two percent (2%). We feel this is an abuse of administrative perrogative and smacks of unfairness.

The Wounded Knee District School Board is currently in the middle of an Institutional Self-Study. Every staff member - teachers, aides, bus drivers, cooks - as well as the School Board is actively involved in this study. We intend that at the completion, we will have determined, for ourselves, by ourselves, the best route to take in meeting the long term goals, desires and aspirations of our community and our students. We don't need central planning when it ignores reality.

We feel that educational agenda presented by President Bush, Secretary Lujan, and Assistant Secretary - Indian Affairs Brown will be best served by practicing the true spirit of local control and self-determination. The Wounded Knee District School Board is on record supporting the Board of Education concept. We

feel that this will allow us to develop local tribal accreditation and teacher certification standards so we can have true Indian education. We recommend that this line item be funded at $200,000 for the Oglala Sioux Tribe in FY-91.

The current BIA regulations require that we meet the certification standards of the local state government. The legislature of South Dakota enacted several new laws that will require a sizeable investment to implement. No where in the BIA budget request are such changes taken into consideration.

We feel that the lack adequate funding for tribal education is designed to frustrate us, to inhibit us, and indeed to move us away from our historical and unique relationship with the Congress of the United States and into the general state public school system. We are not interested in doing this - we are committed to the tribal school system and we are committed to do our part to insure survival of our tribal nation.

We prepared information for the BIA on the P.L. 100-297 Administrative Cost Grant directive. It was not until we reviewed the budget request that we definitely learned that, in fact, no Administrative Cost Formula was prepared. The BIA is just now planning to contract with some firm to conduct a study. This is another in the litany of the BIA frustrating the intent and spirit of Congress. For our small school this means an adverse impact in our current budget. We are now prepared to believe that it will probably take two to five (2 - 5) years before we have a formula in our hand.

It appears that while the Secretary is traipsing around Indian country conducting "mini-summits" nobody is watching the house.

It has been our experience that the BIA is quite slow in processing funds out to us. We received final fund distribution;

FY'87 - 9-8-87, 22 days before the end of the fiscal year
FY'88 - 10-3-88, 3 days into FY'89
FY'89 - 6-6-89, 9 months into fiscal year
FY'90 - 3-13-90, operations portion at six months

We realize that Congress also has to accept a degree of responsibility when it does not act in a timely manner to adopt a budget and appropriate funds. Accordingly, the Wounded Knee District School Board respectfully suggests that Congress consider the implementation of forward funding with a transitional year, and provide a supplemental budget line item for those schools which are impacted with increasing enrollments. This would allow us to meet accreditation requirements by tendering timely contract offers and provide the mechanism for proper and adequate planning.

We want to improve the quality of education and enhance the qualities of academic opportunities for our children. For Indian education this requires more than a commitment from teachers and

parents - it requires a commitment from the Congress and the Bureau of Indian Affairs followed by action.

Our children are the most valuable resource of our tribe, they are our future and we want all that is good for them. One of our leaders once said, "let us put our minds together and see what life we can make for our children". That is our commitment.

In summary, Mr. Chairman, the Wounded Knee District School Board respectfully recommends that the Indian education portion of the BIA budget be increased by not less than twenty percent (20%), with directive language that such increase be reflected throughout the BIA-funded educational system. This level will start us on a path of acheiving a degree of initial parity with the lowest funded states and show a real commitment to quality Indian Education.

I appreciate the opportunity to express my views on behalf of the Wounded Knee District School Board on this most important issue. Thank you.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

JIMMIE C. BEGAY, PRESIDENT, ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS

Mr. ATKINS. Association of Community Tribal Schools, Jimmie C. Begay? Go ahead.

Mr. BEGAY. Mr. Chairman, thank you for the opportunity to address you concerning the fiscal year 1991 budget proposed by the Administration for the Bureau of Indian Affairs.

My name is Jimmie C. Begay. I am the president of the Association of Community Tribal Schools, which is a national organization representing over 50 percent of the students in community tribal elementary and secondary schools.

Mr. Chairman, this subcommittee has always supported changes that have improved delivery of education services to Indian students. We hope that you will continue oversight of the implementation of various changes approved by Congress.

The BIA proposed budget will not foster positive change. The goal and budget initiatives in the budget justification were developed and are being implemented without consultation as required by Public Law 100-297. They have been able to put together a budget that leaves gaps, does not consider actual student costs, and does not implement the improvements as intended by the 100th Congress.

The BIA ISEP—Indian School Equalization Program—weighted student unit dollar growth since fiscal year 1985 is a small 19 percent increase. The National Center for Education Statistics reports the public school per pupil expenditure growth since 1985 is 37 percent.

Another way to look at this is to start with the fiscal year 1988 weighted student unit dollars, a figure of $2,370 and add the Congressional Budget Office's consumer price index of 4.1 percent for fiscal years 1989, 1990, and 1991.

If the percentage increase from the National Center of Education Statistics is used, the schools should receive $3,200 for WSU in fiscal year 1991. If the CPI is used, the schools should receive $2,675 in fiscal year 1991.

Mr. Chairman, either way, BIA has not requested enough funds from Congress to develop the public school per-pupil expenditure or the CPI used by the Congressional Budget Offices. The children and the students in the BIA-funded schools need your help.

Under the element ISEP, the fiscal year 1991 base needs to be $207 million in appropriations. This is the minimum amount needed for basic services to students in BIA-funded schools. Any amount less than this will not assist students in their efforts of excellence and self-determination. All Congressional-mandated improvements, transportation, and BIA initiatives are not included.

The following is a cost of Congressional mandates and initiatives proposed by the BIA: increase teacher salaries, $8.8 million; vocational education match, $2.5 million; funds for State and subagencies, $500,000; 1 percent director discretionary funds, $2 million; and Transportation, $11 million; all together $24.8 million.

The schools needed at least $2,568 per weighted student unit in fiscal year 1990. They got only $2,491. The total for ISEP in fiscal year 1991 needs to be at least $207 million just to keep up with inflation and does not take into consideration the $24.8 million for teacher salaries, transportation costs, and the vocational education match.

Please be aware that schools should not be held responsible for shortfalls in education excellence if BIA does not request an amount to continue improvements in cultural preservation, test scores, attendance rates, and other indicators of success.

BIA proposed a 44 percent increase in their central office administration budget for the office of Indian education programs and expects the students in the schools to receive only a 3 percent increase.

Mr. ATKINS. Let me just tell you that the Committee will put that under great scrutiny when the request comes before the Committee. It caught my eye as well.

Mr. BEGAY. Thank you. I think that $2,670 proposed by BIA is a gross exaggeration. When it comes down to the wire, the actual WSU amount for fiscal year 1991 might be between $2,550 and $2,580.

Also, there are other areas I just want to highlight before finalizing. Facility construction for schools—we recommend to build three schools per year. This will replace a school every 60 years. The cost per year is $25 million for appropriations.

The White House conference on Indian education, cost $1 million. The proposed reorganization of the office of Indian education programs needs to start from the top down. The central office needs no more than 6 FTEs. The remainder of the function should be transferred to agency operations.

BIA has a new school start application from WAKPLLA Community School. This is not figured into the BIA budget justification.

We also urge the subcommittee to recognize the need for the Five Winds School expansion project at Devils Lake in North Dakota.

In closing, Mr. Chairman, allow me to once again express my thanks for allowing us to testify. Please feel free to request of us any data or other information which you or your staff feels will be helpful to you as you deliberate over the fiscal year 1991 Interior budget bill.

Mr. ATKINS. Thank you.

Mr. BEGAY. Thank you.

[The prepared statement of Mr. Begay follows:]

ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS
449 NORTH PLUM STREET - SUITE 100
VERMILLION, SOUTH DAKOTA 57069

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to address you concerning the FY '91 Budget proposed by the Administration for the Bureau of Indian Affairs. My name is Jimmie C. Begay, I am the President of the Association of Community Tribal Schools, which is a national organization representing over 50% of the students in community/tribal elementary/secondary schools.

Mr. Chairman, this subcommittee has always supported change that has improved delivery of education services to Indian students. We hope that you will continue oversight of the implementation of various changes approved by the 100th Congress.

The BIA proposed budget will not foster positive change. The goal and budget initiatives in the budget justification were developed, and are being implemented, without consultation as required by P.L. 100-297. They have been able to put together a budget that leaves gaps, does not consider actual student costs, and does not implement the improvements as intended by the 100th Congress. The budget as presented will not assist the schools in seeking the Bureau's mission of providing "...Quality education opportunities from early childhood through life..." and "...manifest consideration of the whole person...".

A. INDIAN SCHOOL EQUALIZATION PROGRAM

The BIA ISEP weighted student unit dollar growth since FY'85 is a small 19% increase.

TABLE I.

FY	Dollars per WSU	% Growth
85	$2,066	
86	2,103	2%
87	2,230	6%
88	2,370	6%
89	2,408	2%
90	2,491	3%

The National Center for Education Statistics reports the public school per pupil expenditure growth since 1985 is 37%. (Used to distribute $700,000,000 of Federal impact dollars. $245,000,000 goes to public school districts with Indian lands.)

TABLE II.

FY	PPE $	% Growth
85	$2,860	
86	3,086	7%
87	3,372	9%
88	3,646	9%
89	3,871	6%
90	4,104	6%
	TOTAL	37% increase

Another way to look at this is to start with the FY'88 weighted student unit dollar figure of $2,370 and add the Congressional Budget Offices' Consumer Price Index of 4.1% for FY'89, '90, and '91.

IF THE PERCENTAGE INCREASE FROM THE NATIONAL CENTER OF EDUCATIONAL STATISTICS IS USED THE SCHOOLS SHOULD RECEIVE $3,200.00 PER WSU IN FY'91.

IF THE CONSUMER PRICE INDEX IS USED, THE SCHOOLS SHOULD RECEIVE $2,675.00 IN FY '91.

Mr. Chairman, either way, BIA has not requested enough funds from Congress to keep up with the public school PPE or the CPI used by the Congressional Budget Office. The children in the BIA funded schools need your help.

Under the program element ISEP, the FY 1991 base needs to be $207,000,000. This is the minimum amount needed for basic services to students in BIA funded schools. Any amount less than this will not assist students in their efforts towards excellence and self-determination. All Congressional mandated improvements, transportation, and BIA initiatives are not included.

The following is the cost of Congressional mandates and initiatives proposed by the BIA:

Increase Teacher Salary	$ 8,800,000
Vocational Education Match	$ 2,500,000
Funds For State Sub-agencies	$ 500,000
1% Director Discretionary Fund	$ 2,000,000
Transportation	$11,000,000
TOTAL	$24,800,000

The Schools needed at least $2,568 per weighted student unit, in FY 1990. They got $2,491. The total for ISEP in FY 1991 needs to be at least $207,000,000 just to keep up with inflation and does not take into consideration the $24,800,000 for teacher salary increases, transportation costs, and the vocational education match.

Schools should not be held responsible for shortfalls in education excellence if the BIA does not request an amount to continue improvements in cultural preservation, test scores, attendance rates, graduation rates, and other indicators of success.

B. OTHER AREAS THAT NEED TO BE ADDRESSED

The BIA proposes a 44% increase in their central office administration budget for the office of Indian Education Programs and expects the students in the schools to receive only a 3% increase. The projection of $2,670 per WSU is a gross exaggeration. The actual WSU amount for FY'91 will be between $2,550 and $2,580.

The Director of OIEP has a discretionary fund of 1% ($1,710,00) and is also requesting a total of $4,930,000 in program adjustments. 75% of the adjustments are distributed at the discretion of the director.

1. Facility construction for schools - build 3 schools per year. This will replace a school every year. Cost per year = $1,000,000.

2. White House Conference on Indian Education - FY'91 Cost per year = $1,000,000.

3. Tribal Contract and Grant schools need forward funding.

4. Funds are needed to implement the tribal department of Education provisions in P.L. 100-297. We support the current efforts by the Oglala Sioux Tribe as they seek funds for a TDOE.

5. The proposed reorganization of the office of Indian Education Programs needs to start from the top down. The Central Office needs no more than 6 FTE. The remainder of the functions should be transferred to Agency Operations.

6. The BIA is presently doing a survey of various factors concerning salary comparisons. We ask for help to insure contract and grant schools are included in funds distributed as a result of the survey.

7. The BIA has a new school start application from WAKPLLA Community School. This is not figured into the BIA budget justification.

8. We urge the subcommittee to recognize the need for the Five Winds School expansion project at Devils Lake.

9. The Title V Program, administered by the Department of Education provides for a 10% set-a-side for tribally controlled schools. The Department of Education's proposed FY'91 budget as submitted by the Administration appears to ignore this by diverting $412,000 to LEA's. This move is in our opinion, contrary to the intent of the authorizing legislation.

In closing Mr. Chairman, allow me once again to express my thanks for allowing us to testify. Please feel free to request, of us, any data or other information which you or your staff feel would be helpful to you as you deliberate over the FY'91 Interior Appropriations Bill.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

BENNIE COHOE, EXECUTIVE DIRECTOR, RAMAH NAVAJO SCHOOL BOARD
ANNA MAE PINO, SUPERINTENDENT, PINE HILL SCHOOLS
MARTHA GARCIA, PRESIDENT OF RAMAH NAVAJO CHAPTER

Mr. ATKINS. Ramah Navajo School Board?

Mr. COHOE. Good morning, Mr. Chairman, Committee members, and staff. I'd like to introduce Anna Mae Pino, who is the superintendent of Pine Hill Schools and also with me is Martha Garcia, president of Ramah Navajo Chapter.

This morning I'd like to present one of the major problems that Ramah Navajo School Board is facing in providing quality community services as well as educational services to Ramah Navajo Community, which is housing for staff. We have approximately 250 employees, and we have been working with the Appropriations Committee since 1973 in trying to complete the Pine Hill School in Ramah, New Mexico.

Every year we submit construction applications through the Bureau of Indian Affairs, and when it comes down to actual development of the programs of the Department for construction, housing for our employees has been deleted in every attempt that we made with Congress up to this point.

Mr. ATKINS. As you're aware, this Committee took the lead in pressing the BIA for the funding for the school under the leadership of Chairman Yates. We will be looking into the problem of staff housing. We're aware of how acute a problem it is for you.

Mr. COHOE. Yes. That's the only reason why we're back again because there is this—we tried other avenues that are open to us.

Mr. ATKINS. Mr. Yates has enjoyed seeing you——[Laughter.]

Mr. COHOE. Yes.

Mr. ATKINS. You've become regulars with the Committee.

Mr. COHOE. Yes. The other thing is that we are experiencing shortfalls in our social services program. Back in 1989, the local agency superintendent recommended that the social service administration budget be reduced. When that happened, they reduced it to $91,000. Right now, our administration cost needs are $179,000, so if we don't get help this year for fiscal year 1991, we will experience a $64,000 shortfall in the social services program. That means that we will have to shut down our social services for that community before the end of the fiscal year, and that is going to be a problem that we are going to have to get help on immediately.

Another of the other issues that we have that we would like to bring up with the Committee is also the inadequate funding, which has been brought up a few times this morning, which is that we need approximately $2,600 for students on ISEF.

Right now, Pine Hill School is in need of additional funding of about $109 per student.

Mr. ATKINS. That seems to be a problem across the board. Everybody has raised that problem. It's something we're going to look into very closely.

Mr. COHOE. Right. Being in a rural, isolated area, we definitely need help with continued funding on substance abuse programs. Also, the last thing that I'd like to bring up is additional dollars for transportation costs. I think at this time I will let Martha Garcia go into it because she is more involved with the Bureau's road maintenance program. We took a cut of $207,000 in that as well, and I'd say about 80 percent of the roads in the Ramah Navajo community are unpaved at this time.

Ms. GARCIA. Okay. Thank you, Bennie.

Congressman Atkins and staff, I would like to present the critical issues for your consideration in assisting us at this time. Last year in fiscal year 1990 we had requested for some dollars. This committee recommended $150,000 for our law enforcement program. The BIA added the language of this to the base so that it would become a part of our annual budget.

At the conference of the Senate and House that amount was brought down to $100,000, and the language was deleted. Our request is that the language be reinstated. For the first time the BIA has added $100,000, has requested that as an add-on to fiscal year 1991.

The second area of concern is the area of law enforcement and our temporary detention facility. We are still detaining prisoners in a cell sitting in two-hour holding period for as long as six months at a time. We have brought this to the attention of the various Congressional committees and also to the Bureau.

At this time, we are ready to start our plan and design for a permanent facility, and our request is that we get a design in planning money in the amount of $40,000, which would allow us to look for other avenues of building these facilities.

The last one that was mentioned here is in the roads maintenance fund. We had budgeted for fiscal year 1988 a total amount of $377,000. The Bureau, without consulting us, took that off, and this happened Nationwide. We took a very deep cut in that. We have received only $170,000 for our community, and that is not even meeting our needs in the roads area at all because that has been our priority. We run our transportation system, the school, the senior citizen, our law enforcement, as well as the general community that uses these roads on a daily basis. That has always been our number one priority. For that reason, we put in $177,000 in our Indian priority system.

When they took that off, the dollars went with it, and we took a cut of $270,000. That was our total loss. We're requesting that that amount be reinstated. By doing this, this would help other programs, for example, the social service that was mentioned, we would be able to budget some for them. Also, our natural resource program, community services program, and law enforcement.

We're looking at tribal court systems at this time, which is a new item in our Indian priority system. If this could be reinstated, then it would really help us across the board.

Mr. ATKINS. Do you have some backup material on your tribal court system?

Ms. GARCIA. At this time, no, I don't because we are a small community, and we still get our services through the Big Navajo tribe—that's what we call them.

Mr. ATKINS. If you could provide that for the Committee for the record, it would be helpful.

Ms. GARCIA. Yes, I will. I'll get that. Thank you.

Mr. ATKINS. Thank you.

[Material was not supplied to the Subcommittee at the time of printing.]

[The prepared statements of Mr. Cohoe and Ms. Garcia follow:]

TESTIMONY
by
BENNIE COHOE, Executive Director
Ramah Navajo School Board, Incorporated
Pine Hill, New Mexico 87357
March 14, 1990

The Ramah Navajo School Board, Inc., presents its requests and concerns to the U.S. House Subcommittee on Interior Appropriations for:

Staff Housing	$5,580,000.00
Social Services FY'90	63,250.00
Social Services FY'91	266,000.00
ISEP Teacher Pay Increase per WSU	2,600.00
FY'90 Student Transportation @ $1.38/mile	192,000.00
BIA Substance Abuse Program, maintain in budget	500,000.00
Ramah Navajo Cultural Conservation	Direct funding from NPS
P.L. 100-472 Regulations	Relief of Imposed Deadlines

STAFF HOUSING:

We are faced today with a number of obstacles which impede further development and progress in achieving the goals that the founders of the Ramah Navajo School Board (RNSB, Inc.) originally set. Foremost among these obstacles is our need to attract quality professionals to provide needed services - professionals such as teachers, medical providers, social workers, accountants and administrators. Our most major problem is this: we have no staff housing for professionals coming to work for us from outside the community. We have no accessible housing market. What we have is an aged and deteriorated trailer park with unserviceable mobile homes unsuitable for quarters from a safety and environmental point of view (see Appendices A).

For these reasons, we request immediate special funding in an effort to stablize and improve upon the quality of our children's education and to provide the basic human services to this community. RNSB, Inc. requests Congress to direct the BIA to reinstate design and construction of staff housing for us. RNSB, Inc. further requests that Congress appropriate the necessary funds to build the needed housing in the following amounts:

Cost estimate as of March, 1990:

40 units @ 900 s.f., 2 bedroom @ $60/s.f.	=	$2,160,000.00
30 units @ 1,200 s.f., 3 bedroom @ $60/s.f.	=	2,160,000.00
10 units @ 600 s.f., 1 bedroom @ $60/s.f.	=	360,000.00
Site Development		460,000.00
Design/Inspection Fee @ 3.5%		440,000.00
TOTAL:		$5,580,000.00

While Congress has continued to appropriate construction funds for the Ramah Navajo Project, the Bureau of Indian Affairs has twice deleted staff housing from the previously approved Program of Requirement (POR) for the Project, at the objection of the Ramah Navajo School Board, Inc. (see Appendices A). Increasingly, the deteriorating state of the trailer homes causes loss of potential professional staff. Two teachers who were otherwise hired at Pine Hill School this fall left immediately upon viewing the available "housing". Of staff who resigned in 1989, 31% cited lack of decent housing as the primary reason for

leaving. The Pine Hill Health Center is now recruiting for a medical provider for which there is no trailer available. Ramah Navajo staff frequently seek housing on-campus during winter months because much of the local housing is seasonal, i.e., not suitable for harsh weather living.

The nearest town where a suitable housing market exists is sixty-five miles away. Daily commuting is expensive and impractical, especially in the winter. We are aware that in FY 1990, and in FY 1991 again, the Bureau requested $500,000 and $1 million in their budget, respectively, to conduct on-site evaluation and analysis of a number of selected government furnished housing units which support Bureau programs. However, Ramah Navajo School Board, Inc., does not qualify for such a study since it does not have any government furnished housing units. The Bureau has conducted other inspections and evaluations of our campus trailer units, the documentation of which is voluminous, but without corrective recommendations.

SOCIAL SERVICES

1. REQUEST:
The Ramah Navajo School Board, Inc., is requesting supplemental funding for FY90 in the amount of $63,250 to allow the organization to complete its current Social Services Administration operation under contract with the Bureau of Indian Affairs. Without the supplemental funding, we will be forced to close the program in the last four months of FY90, ceasing needed services to families, critical child protection services, and processing of assistance payments to eligible clients. See Social Services Administration Budget in Appendices B.

We have requested the Albuquerque Area Director of the Bureau of Indian Affairs to assist us in acquiring the needed funds through the Bureau since November 1989 (see letters to Area Director dated November 15, 1989 and March 9, 1990, in Appendices B1), with no response. This included the justification for maintaining our most basic staff on an annual basis. As of January 31, 1990, we were advised by the Area Office that our Social Services Administration budget is being cut by $6,000 due to Graham-Rudman. We are approaching a crisis with no assistance from the Bureau. This is the second year we have brought our problem of Social Service funding to the attention of this Committee.

2. REQUEST:
The Ramah Navajo School Board, Inc., requests a funding level in FY91 for its Social Services Administration contract in the amount of $266,000 to increase its staff to adequately deal with the child protection and foster care needs of the Ramah Navajo Community, and to provide for the administration of assistance grant payments. We further request that this level of funding plus an inflation factor be maintained for our Social Services Adminsitration in succeeding fiscal years of the Bureau budget. See Social Services Administration Budget in Appendices B.

The Ramah Navajo Community's population of children (0-21 years of age) has nearly doubled since 1980 (approximately 1,000 today versus 546 in 1980). Due to a number of other historical and socioeconomic factors, we have an increasing need for emergency, short, and long term placement of children and counseling services for their families. It is not uncommon for Social Services to be dealing with 12 child placement cases per month. Block Grants funds, Title IV-E, Title XX and other federal dollars earmarked for services to this age group are NOT available to RNSB, Inc., Social Services because of our non-tribal status. See letters to and from the State and the Administration for Native Americans (ANA) in Appendices B2.

2. REQUEST:
The Ramah Navajo School Board, Inc., requests eligibility status to apply directly for ANA Social, Economic and Government Development Grants, Title IV-E Grants, Title XX Grants, and Community Development Block Grants.

The non-tribal status of Ramah Navajo School Board, Inc., excludes us from much federal funding designated to meet human service needs. The State of New Mexico and ANA has determined the organization to be ineligible, thus blocking access to federal dollars essential to sound social and economic development for the Ramah Navajo Community. See letters to and from the State and ANA in Appendices B__.

P.L. 100-472, INDIAN SELF-DETERMINATION REGULATIONS

REQUEST:
The Ramah Navajo School Board, Inc., requests that the Congress relieve the Bureau of Indian Affairs and the Indian Health Service of the current agency imposed deadlines for the publication of a Notice of Proposed Rule Making for Indian Self-Determination Regulations and final publication of any such regulations. This would prevent the agencies from using timelines as an excuse not to organize further national meetings with broad tribal participation to address the inadequacies of, and problems with the current draft regulations.

JUSTIFICATION:
The Ramah Navajo School Board, Inc., believes that the current agency process and schedule to draft Indian Self-Determination regulations will not result in successful implementation of the intent of Congress and Indian Self-Determination Policy without the reinstatement of national level tribal participation and consultation as mandated by P.L. 100-472, and envisioned by the Senate Select Committee. We are attempting to work with the agencies in this regard and a packet of our comments on the agency draft Joint Document for Self-Determination Regulations, along with our recommendations, has already been sent to each member of this Interior Appropriations Committee.

INDIAN STUDENT EQUALIZATION PROGRAM (ISEP):

REQUEST:
We respectfully request the Committee to direct the BIA to appropriate adequate levels of funding to all schools for teacher pay increases.

JUSTIFICATION:
The Ramah Navajo School Board, Inc., wishes to inform the Committee that the allocation for FY90 ISEP funds for Pine Hill Schools falls short of satisfying the requirement of paying its teachers the Department of Defense (DOD) salary schedule. Current level of funding per Weighted Student Unit (WSU) is $2491. Minimally, our school will require an additional $109 per WSU just to meet the DOD salary schedule for FY90. Sixty-three percent of our current funds is used to pay Teacher salaries. The remaining funds is used to pay operational costs, teacher aides, food services staff, clerical support staff, and supervisors. The staffing that we have at our school is minimal and all positions are required in meeting accreditation standards.

TRANSPORTATION UNDER ISEP:

REQUEST:
We respectfully request the Committee to consider an emergency supplemental appropriation for FY90 Student Transportation at or above the rate of $1.38 per mile.

JUSTIFICATION:
Pine Hill School, as with many other reservation schools is located in the remote area of the Navajo reservation utilizing dirt, ungraveled roads to transport students to and from schools daily. Pupil transportation is severely underfunded causing extreme hardship to our school budget when any shortfall have to be made up from instructional program funds. Pupil transportation has been funded at the level of $1.15 per mile for FY90 rather than the $1.38 per mile level. Actual cost of delivering our students to and from school stands at $192,000; therefore, we are receiving only a partial funding level of 78.4%. Further, the BIA has substantially decreased funding for the road system in our Ramah Navajo community. While the community leadership supports the need to upgrade/maintain roads for school buses, funding has been decreased from FY88 funding level of $377,000 to FY90 level of $170,000 when the BIA removed Roads from the Indian Priority System (IPS).

SUBSTANCE ABUSE PROGRAM:

REQUEST:
Ramah Navajo School Board, Inc. requests the Committee to have the Drug Abuse Program remain at the current level of funding to combat Alcoholism and other drug/inhalant abuses that are prevelent on Indian reservations.

JUSTIFICATION:
We are extremely concerned that the BIA proposes to cut its Substance Abuse Funds by $500,000. While Counselors may be hard to find for employment in our schools, it would make a lot of sense to bring educational training to local levels by using those funds to academically train members of our tribes to obtain counseling degrees to meet that need.

RAMAH NAVAJO CULTURAL CONSERVATION

REQUEST:

The Ramah Navajo School Board, Inc., on behalf of the Ramah Navajo Community, respectfully advocates Congress to amend the National Historic Preservation Act of 19666 (NHPA) to enable tribal and community-based organizations and entities, such as the RNSB, Inc., to receive direct funding to support historic preservation and cultural conservation programs of critical importance to their communities.

It has taken Congress 10 years to make its first NHPA allocation of $.5M in Fiscal Year 1990 for Indian cultural conservation programs. This $.5M has been a long time coming. It is only a mere pittance towards meeting the critically urgent needs and desires of Indian communities, such as Ramah Navajo, to rebuild their native cultures and the self-esteem that flows from rediscovering who they are and where they come from. This self-esteem will, over the long term, ensure that a proud and confident Indian people will be able to make great contributions to the shaping of their communities for generations to come.

TESTIMONY

FOR: Appropriations Subcommittee on Interior and Related Agencies
Honorable Sidney Yates, Chairman

REGARDING: Concerns of the Ramah Band of the Navajo Tribe
Fiscal Year 1991 Appropriations

SUBMITTED BY: Martha Garcia, President of Ramah Navajo Chapter
Ramah Band of the Navajo Tribe of Indians

DATE: March 14, 1990

Mr. Chairman Yates and honorable members of the Committee: the Ramah Band wishes to thank you for this opportunity to bring our concerns before the Committee. Over the years your consideration and assistance has had a positive impact that has enabled us to make significant progress in our community. We look forward to a strong continuing relationship. At this time, we have limited our testimony to the presentation of the three most critical issues facing our community:

1. **Law Enforcement FY'91 Add-on:** The Ramah Band thanks the Committee for recognizing our critical need for additional funds in Law Enforcement for providing an add-on of $100,000 for FY '91. It is our understanding, however, that pursuant to Conference action, the specific instructions that this add-on be added to our Indian Priority System (IPS) BIA base funding was deleted. This is a significant oversight.

   - in the past, add-ons not specifically ear marked by dollar amount for Ramah have been diverted at the Area level and have not reached the community;
   - the transient nature of 'add-ons' proscribes long-term planning and program stability; and
   - the original report of your Committee recognized the importance of this issue and instructed that the Bureau understands the Committee's position with regard to tribe/agency add-ons: unless otherwise stated, all such increases are to be added to the tribe's base and included in future budget requests. (Report # 101-30,To accompany H.R. 2788)

Request: That the Committee reinstate the above quoted language instructing the Bureau to add these funds to the Ramah Navajo IPA base and include this amount in their annual budget request.

2. **Roads - - IPS Base:** In FY '88 the Ramah Navajo Agency Roads program was funded at $377,200 on the IPS. Due to the immediate needs of our community vis a vis

upgrading/maintaining our school transportation system, the Ramah Band had placed high priority, and thus funding emphasis, on Roads. The Bureau subsequently removed Roads from the IPS band and withdrew the funds allocated under IPS to the program. This action was taken unilaterally by the Bureau -- without consultation and/or adequate notification and caused severe hardship for the Chapter in administration and delivery of critical community programs (the Chapter is pursuing the inadequate level of formula funding for Roads as a separate issue). The high level of funding in FY'88 prioritized by the Chapter reflected immediate and short-term needs of the community and consequent underfunding of other IPS community programs. The Chapter anticipated being able to re-allocate/prioritize funds to these programs in subsequent years as the Roads crisis was resolved. The net loss to the Ramah Navajo IPS base is $207,200. (FY'88 $377,200 - FY'90 (formula) $170,000 = a net IPS loss of $207,200)

Request: That the Committee instruct the Bureau to restore the Ramah IPS base by not less than $207,200.

3. **Detention Facilities:** No progress has been made since our last report to the Committee in resolving our need for detention facilities that meet applicable codes and standards. We are still housing detainees in facilities that are unsafe and do not meet minimum standards; we are totally unable to house emergency detention needs for juveniles. Our concerns for safety and liability are escalating, and the Bureau has been unable to lend assistance to provide these critically needed facilities. We have developed an initial five (5) year needs projection and would like to develop a comprehensive assessment for our area in consultation with our immediate Indian community neighbors. Our "bare-bones" need, just for our community, including renovation of existing substandard facilities and addition of standard holding cells is $700,000.00.

Request: That the Committee provide an add-on of $40,000 for the Ramah Navajo Chapter to conduct a comprehensive feasibility study and initial design for these critically needed detention facilities.

Again, thank you. We are confident that you will agree that these are critical issues and will give them your measured consideration. We look forward to your response.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

ROSE ROBINSON, AMERICAN INDIAN GRADUATE CENTER

Mr. ATKINS. American Indian Graduate Center, Rose Robinson?

Ms. ROBINSON. My name is Rose Robinson. I'm a member of the Hopi Tribe of Arizona, and I am a member of the board of directors for the American Indian Graduate Center.

Mr. ATKINS. Which pueblo were you?

Ms. ROBINSON. Hopi, third mesa.

Mr. ATKINS. I spent one winter in Old Oraibi.

Ms. ROBINSON. That's our former village. We all moved out from up there.

Mr. ATKINS. Are there still some people living there?

Ms. ROBINSON. Yes. It is said to be the oldest inhabited town in the United States.

Mr. ATKINS. Right.

Ms. ROBINSON. I'm speaking on behalf of the American Indian Graduate Center. I've been a trustee, a board member, since 1980. I characterize this program as a "dream" program. The reason I call it that is because the people who began it in the late 1960s dreamt that the administrators of Indian programs throughout the country and in the Government would one day be American Indians. Our graduates, of which we have our alumni from this program, in the 18 years that the organization has been in existence, have made 4,500 awards to some 3,000 people.

Dr. Eddie Brown, the secretary for Indian Affairs, is one of our alumni. Mr. Bordeaut, who is the president of a tribal Community College, is one of our recipients. I think that the caliber of people that we have graduated over the years speaks to the success of this program, and I, as a taxpayer, am very happy with it.

The only problem that we usually have is with the Bureau of Indian Affairs, and it does not come forth with the concept of its——

Mr. ATKINS. A considerable problem.

Ms. ROBINSON [continuing]. That we need to meet the need. Because we are at the end of the educational cycle, the people who come to us are dedicated to receiving their graduate degrees and going on to help their own people.

The Bureau's request for this program has consistently been below our needs. This year the Bureau is requesting $1.8 million, and the real need is close to $3 million. We have three areas in which we are coming to you for support, the continuing program and also a request for three-year contracting instead of a two-year contracting which is now the norm. The two-year contracting is very—we're consistently trying to deal with the Bureau of Indian Affairs in contracting. It is a bid process. Whoever gets the contract, we feel it is only fair for them to receive at least three years, so they don't have to deal with this every year.

We also are very unhappy with the priority student funding that the Bureau has dictated to us. We believe that we should have the

freedom to be able to fund the areas in which the Indian students or the Indian tribes need help.

This year for the first time we have information on the rising costs of tuition. We did a study on a number of colleges, including Harvard, where the rising cost of tuition and living is not even considered by the Bureau. It is a part of the problem that we have in having to cut the number of awards that we made every year. We are also in support of a White House conference on education.

Mr. ATKINS. Thank you very much. As I'm sure you're aware, we go through this ritual every year with the White House when it cuts your funding.

Ms. ROBINSON. Yes.

Mr. ATKINS. It is beyond me why it constantly gets cut. One needs to only look through your list of alumni in your program to appreciate the enormous contribution you make to the country and to Indian Affairs particularly, so we——

Ms. ROBINSON. All of our taxpayers, too.

Mr. ATKINS. Fortunately, if you look through the list, so many of them are in areas where they could make large amounts of money, but they have made a decision to devote their lives to public service and helping others. Some of them, perhaps, are not making as much money as investment bankers are, but they are putting an awful lot more into the society.

Ms. ROBINSON. As a member of the board, I want to thank this committee for always being supportive of this request every year. Thank you.

Mr. ATKINS. Thank you.

[The prepared statement of Ms. Edmo as submitted by Ms. Robinson follows:]

AMERICAN INDIAN GRADUATE CENTER•

4520 Montgomery Blvd NE Suite 1B • Albuquerque New Mexico 87109 • (505) 881-4584 • FAX (505) 883-4694

Fiscal Year 1991 Budget Request

Submitted to

Subcommittee on Interior Appropriations
U.S. House of Representatives

Chairman Sidney R. Yates

Submitted by

Lorraine P. Edmo, Executive Director
American Indian Graduate Center

March 14, 1990

Mr. Chairman and Members of the Committee:

Thank you for allowing me time to speak on behalf of the American Indian and Alaska Native students who are served by the American Indian Graduate Center (AIGC) of Albuquerque, N.M. I am Rose Robinson. I have been a Board member for the AIGC program since 1980. Last fall, we celebrated our 20th Anniversary and we also changed our name from the American Indian Scholarships, Inc. (AIS) program.

AIGC is the only national non-profit Indian education organization which exclusively serves the needs of American Indian and Alaska Native graduate students from federally-recognized tribes. For the past 18 years, AIGC has contracted with the Bureau of Indian Affairs (BIA) to administer its Special Higher Education Scholarship Program. Over the past five years, the BIA's budget request for this program has consistently been at least $1 million below our actual program needs. This year, the BIA is requesting $1.8 million, the real need is over $3 million.

Current Academic Year Needs and 1990-91 Projections

AIGC is again nearing the end of a two-year contract for administration of the Special Higher Education Scholarship Program. During this fiscal year and last, our overhead has been only 11% of the BIA contract. We will be awarding a total of $1.6 million in scholarship funds for the 1989-90 academic year as well as the summer 1990 term. Our average student award for the academic year is $4900. AIGC plans to make at least 60 summer school awards at an average cost of $2,000.

During this academic year, there were 532 applications received and 301 awarded. When the total financial need is calculated for all of the

30-252 O—90——4

students who were eligible for funding, the amount is $2,690,600. AIGC awarded a little over $1.4 million of this need. Therefore, the total unmet need for eligible Indian graduate students who applied to AIGC is $1,278.00. It is interesting to see that the BIA budget justification never discusses unmet student need. It always addresses cuts that can be made in the existing appropriation. This year's BIA budget justification discusses funds that can be freed up (an estimated $200,000) by not funding non-priority students next year. They say this money can be used for priority students. This is not how the funding process works at AIGC. We do not have enough funds to meet the needs of even our priority field applicants.

This year, we could only fund new students for 50% of their need, whether they were priority or non-priority. Therefore, if a new student had a need of $15,000 for the academic year, we could only fund half of the amount they would have been eligible for. Our maximum award is $10,000. Under our awards process, the student could receive $5,000. They would then have to borrow the remainder or try to get other grants from private, state or tribal sources. Many were forced to drop out, due to lack of resources. Therefore, you can see that we are only able to meet part of an Indian graduate student's budget.

There is also no mention in the BIA's budget request for the increases in tuition and living costs. Last year, AIGC conducted a tuition and college cost study among 10 universities and colleges. A one-page summary of the study is attached. (Attachment B) We found that tuition and basic college costs had risen by an average of 45% in a five-year period, between 1985 and 1989. During this same five-year

period, the BIA has not requested and we have not received any increase in funding for the graduate scholarship program.

We can safely say that college costs will continue to rise by at least 9% in future years.

Request for Three-Year Contract

Once again, this year we are being asked to bid on the same program we have successfully administered for the past 18 years. Since the government seems reluctant to write a sole source contract for this program, we would like to see this Buy-Indian Contract awarded on a three year basis. Competitive bidding every other year is very disruptive for students and colleges served by the graduate scholarship program.

Priority Student Funding

Despite Congressional direction to the contrary, the BIA proposes to fund only their priority fields of study. These are business, law, engineering, health, natural resources and education. We object to this strict interpretation. Although, we still award by the priority process, we would like to award non-priority fields in the humanities and social sciences, if funds would allow.

White House Conference on Indian Education

For fiscal year, 1990, Congress appropriated funds to begin the planning process for the White House Conference on Indian Education which is scheduled to be held by September 30, 1991. Although little progress has been made by the agencies designated to establish the Inter-Agency Task Force, there is still need for the conference to become a reality.

AIGC supports the appropriation of at least $1.5 million in the BIA budget to conduct this conference by September, 1991.

Summary Request

AIGC is requesting that the FY1991 appropriation be at $3 million. This is the actual level of funding we need to meet the financial need of American Indian and Alaska Native graduate students who apply to the program and are eligible for aid. For academic year 1989-90, AIGC had $1.8 million available for the program. $1.6 million was awarded for scholarships and $200,000 was used for program administration. Our documented unmet financial need for students who applied and were eligible was $1.3 million. When this figure is added to our actual award figure, our student need alone is $2.9 million. Therefore, the total program need is a little over $3 million with inflation.

Submitted by,

Lorraine P. Edmo
Executive Director

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

RUSSELL HAWKINS, UNITED TRIBES TECHNICAL COLLEGE
DAVID GIPP

Mr. ATKINS. United Tribes Technical College?

Mr. HAWKINS. Thank you for the opportunity to appear before the subcommittee today.

My name is Russell Hawkins. I am chairman of the Sisseton-Wahpeton Sioux tribe of South Dakota, and I am chairman of the United Tribes Technical College Board located in Bismark, North Dakota.

The United Tribes Technical College Board is comprised of the three affiliated tribes, the Devil's Lake Sioux Tribe, the Standing Rock Sioux Tribe, the Turtle Mountain Band of Chippewa, and the Sisseton-Wahpeton Sioux tribe.

I will be summarizing my testimony and our request for United Tribes and the Sisseton-Wahpeton Sioux tribe within the designated time.

I have our recorded statements entered into the record and copies of both United Tribes testimony and the Sisseton-Wahpeton Sioux tribe submitted.

Let me begin with United Tribes Technical College. On behalf of the North Dakota tribes in the Aberdeen area, we are requesting——

Mr. ATKINS. You have two minutes left, and we're going to have to keep pretty rigidly to the time, so if you could just summarize your key points.

Mr. HAWKINS. Okay. I thought I had five minutes, but if we're down to——

Mr. ATKINS. You do, but you used up a portion of it.

Mr. HAWKINS. Okay. I can't argue with that.

With the remaining several minutes, basically, the United Tribes out of North Dakota has a unique technical college. We're unique because we cater to the Indian family. Out of 200 students we'll have a total population of 400 or 450, so we have a need for housing repair because the children living with their parents there.

We are requesting a total of $710,000 added to our base budget. The Bureau has proposed a $460,000 cut from their $1.7 million allocation. We are very much opposed to this cut. We want the amount that was originally allocated to us, and we are opposed to that $460,000 cut that the Bureau wants to make.

Mr. ATKINS. We thank you for that. As you're aware, again, it seems like a ritual dance we go through every year. The Bureau and the Administration, in their request, cuts you. As you know, this Committee, under the chairmanship of Chairman Yates, has tried to restore to the best of our ability those funds. We appreciate that, and we'll do our best for you this year.

Mr. HAWKINS. Okay. My closing comment would be on behalf of the Sisseton-Wahpeton Sioux tribe. My testimony is submitted. I won't go through that at all, but I will highlight one issue—the

area of education. We have 300 students come through per year and an unmet need of 6,000 per year for a total need of $1.8 million. We have allocated $113,000, leaving us an unmet need of $1,687,000.

With that, I want to thank you for your time. That was the fastest five minutes I think I've ever seen, but I appreciate this short opportunity.

Mr. ATKINS. Well, we appreciate that, and you can rest assured that the consideration that you get from this Committee will be far greater than five minutes.

Mr. HAWKINS. Okay. Thank you.

Mr. ATKINS. Okay.

[The prepared statement of Mr. Hawkins and Mr. Gipp follows:]

UNITED TRIBES TECHNICAL COLLEGE

Russell Hawkins, Chairman and David M. Gipp, President

Before

THE HOUSE APPROPRIATIONS SUBCOMMITTEE FOR INTERIOR AND RELATED AGENCIES

March 14, 1990
Fiscal Year 1991 Budget

REQUESTS

Mr. Chairman, United Tribes Technical College is requesting $710,000 in Fiscal Year 1991 to be added to its direct cost base of $1,721 million (documented in the BIA budget). The total direct cost request for Fiscal Year 1991 is, therefore, $1.971 on a 105 acre campus at Bismarck, North Dakota. The appropriation is authorized as an item in the budget of the Bureau of Indian Affairs (BIA) under Employment Development. The BIA is proposing that United Tribes be cut by $460,000 from the base.

The North Dakota Tribes are requesting that the $460,000 be restored. We also note that $100,000 is also requested to repair some of the 3.1 miles of campus roads. Another $150,000 of this $710,000 request will enable United Tribes to repair and renovate married student housing (60 units) and dormitories. These facilities range from 35 to 87 years in age and are in need of repair or replacement.

Mr. Chairman, the college operates an elementary school, the Theodore Jamerson Elementary School (K-8), on our campus on behalf of the children of our student families. It is a unique offering and is part of our mission. We are requesting $60,000 to account for a projected shortfall from this budget under BIA education. We are being told by the BIA that our budget for FY 1991 will be reduced from some $258,000 to less than $225,000. We will serve some 110 children in our school and for those students who attend (grades 9-12) the local Bismarck High Schools, we have no budget or way to support their education. The average number served here is 6 annually.

On another subject related to training, the BIA employment assistance and direct employment program has been reduced from some $70. million in 1970 to approximately $21.0 in 1990. Mr. Chairman, if the tribes are to overcome high unemployment (ranging from 12% to 86% among the various tribes), opportunities for training, literacy skills to compete, and job placement must be increased for the "human resources" or the grass roots reservation people. We recommend that Employment Assistance be increased from $21.0 to a minimum of $50.0 million in FY 1991. This commitment would enable tribes and organizations such as United Tribes to complement specific local tribal economic development enterprises and local businesses.

NEED

Since 1979, UTTC has experienced several reductions in the base direct operating budget. The FY 1991 base funding is $1.7 million which is the direct budget (program). The BIA budget request for FY 1991 is a $460,000 cut or $1,261,000 (inclusive of direct costs). This cut would force us to close our doors.

Since 1979, the cost of purchasing goods and services has risen sharply due to inflation and normal cost increases. As an example, the College has experienced large increases in the cost of utilities since 1979. The cost for electricity has risen about 20% per unit while the per unit gas cost has increased approximately 113%. Over the years, the College has for the most part been able to offset rate increases by implementing stringent conservation measures such as improved weatherization and reductions in building temperatures. However, it must be noted that consumption cannot be further reduced because of the location of the College and the harsh winters of the northern plains. Many of our facilities are over 80 years old.

In the area of staff costs, the average instructional salary has risen some 60% from 1979 to 1990. While these increases have been minimal on a yearly basis, the net result is that the College must spend more dollars to purchase competent instructional services. While the College continues to serve essentially the same number of students, the salary costs and budget constraints have necessitated a 14% reduction in the prime contract staff. As a result of the reduction, adjustments have been made in the assignment of staff duties. In some departments, this meant that fewer staff people handle greater workloads. In other areas, the duties of departments that cannot be staffed have been reassigned to other personnel. Even though the staff has performed well under the increased demands, the net effect has been that less services are available to the student body. Further staff reductions would seriously jeopardize the College's survival.

The diminished funding for the College will mean that funds for the replacement of worn out equipment and/or the purchase of new instructional materials will be, for the most part, lacking. Increasingly, the lack of new equipment will seriously impact the quality of the vocational programs. The classroom materials used in vocational education must reflect the "state of the art" in the workplace. Failure to do so can jeopardize the adequacy of training and subsequent entry into the workforce.

Lack of available resources has also meant a limitation on the repair and maintenance of the physical facility. The facility occupied by the College is the old Fort Lincoln Army Post. As such, other than the more recently constructed skills center, and part of the community center, the majority of the facilities are 80 to 89 years old. Continuing a course of nonrepair will ultimately prove more costly as the repairs will be greater. This is especially true of the water and sewage systems on campus.

While we were able to do minimum repair with the help of the Congress, we were able to do some repair for the first time in 11 years on 1.25 miles of the 3.1 miles of campus roads. Discounting the need for complete replacement of roads and curb and gutter, the estimate is a need of $100,000 for minimum road repairs and maintenance in FY 1991. The technical college continues to seek other resources as well. United Tribes is not included in the BIA facilities or roads budget plans.

OPERATING AUTHORIZATION

United Tribes operates under the auspices of P.L. 93-638, the Indian Self-Determination and Education Assistance Act. The United Tribes Technical College prime contract is a line item in the Bureau of Indian Affairs budget under the Employment Development Adult Vocational Training category.

ACCREDITATION - NORTH CENTRAL ASSOCIATION OF COLLEGES

United Tribes is accredited by the North Central Association (NCA) of Colleges and Schools at the certificate granting level. North Central completed its reevaluation of the College's 11 vocational programs in 1985 and granted full continuing accreditation through 1990. Also, offered are two associate of applied science degree programs. At this submission, we will be going through the comprehensive NCA evaluation of the technical college in April, 1990. We anticipate success along with our request for continued full accreditation for the next five years.

SERVICES

United Tribes Technical College provides those institutional activities which are fundamental to the delivery of vocational education. These include:

- o a core of 11 vocational programs which have been changed and updated throughout some twenty years;
- o supplies and equipment for the vocations;
- o adult education for students needing basic skill development or who wish to enter vocations requiring GED's or high school diplomas;
- o a modest offering of cultural and recreational activities that necessarily supplement the programs of any credible postsecondary institution;
- o counseling and placement services for United Tribes students;
- o support services such as the cafeteria, housing, maintenance, student transportation, administration and fixed costs on a 105 acre campus.
- o Early Childhood services for some 100 children, ages 8 weeks to five. This includes a nursery and a preschool.
- o The Theodore Jamerson Elementary School (K-8) serving some 100 children in FY 1989.

United Tribes exists as an Indian family community. It is designed to serve Indian people who are either not served adequately or who are not served at all by more traditional programs. As such, the College represents the first tangible opportunity for employment for most of its students.

CLIENTELE (400 CHILDREN AND ADULTS)

The enrollment of United Tribes from 1979 to the present has annually averaged 275 students from as many as 39 different Tribes and 15 states. A majority of the students have never spent more than one year away from the reservation and have histories of chronic unemployment due to an extremely depressed local economy and educational deficiencies which are well below the national average.

Almost all students who attend UTTC are from economically disadvantaged backgrounds. Approximately 67% of the 1986 student body received public assistance payments such as Aid to Families with Dependent Children or General Assistance in the year prior to attending school. This percentage does not include those who may have received direct payments but who were recipients of programs such as food stamps, subsidized housing or energy assistance.

The philosophy of United Tribes is that the Indian family is the key to any success. Accordingly, while the College serves single students, it continues to emphasize services toward married couples and single parent families. The dependent children of students increases the average on campus population to approximately 400.

IMPACT

Historically, the College job placement rate for graduates has been 80% over the past ten years. Some graduates have developed their own business ventures while others have continued their education at other schools. This past year it was at 75% with a 70% retention rate after one year.

The UTTC effort shows that an investment in training and education pays itself back over a period of 6.39 years after graduation. A student, in effect, pays back in taxes the costs through productive employment.

The United Tribes Technical College is a unique intertribal vocational/technical school. Located on a 105 acre campus three miles south of Bismarck, North Dakota, the institution is owned and operated by the five reservations located in whole or in part in North Dakota. These reservations include: the Three Affiliated Tribes of Fort Berthold, Devils Lake Sioux, Sisseton-Wahpeton Sioux, Standing Rock Sioux, and the Turtle Mountain Chippewa. Control of the corporation is vested in a ten member Board of Directors comprised of the Tribal Chairman and one other representative.

Originally established in 1969, UTTC has been in continous operation for nearly twenty-one (21) years. As the first tribally controlled residential vocational school in the nation, UTTC is committed to the economic, social and cultural advancement of Indian people. It is UTTC's philosophy to provide an environment where students and staff can preserve and transmit their knowledge, values and wisdom to ensure the survival of Indian people, now and in the future, while increasing individual opportunities to improve the quality of life. The College seeks to initiate and sustain educational and economic programs aimed at the self-sufficiency and realization of self determination of American Indians.

The United Tribes Technical College is a model in this area of development. This is evidenced by a waiting list that consistently numbers over 175 students each quarter.

LEVEL OF FUNDING AND OTHER EFFORTS

If the future of United Tribes Technical College is to be assured, sufficient funds must be provided by Congress. Congress has historically provided and directed support of the College. Despite this, the BIA annually has attempted to apply continued reductions to the UTTC budget.

Since 1982, UTTC has practiced all possible austerity measures and yet has maintained a quality program. The quality of the programs is well evidenced by the continuing accreditation of the North Central Association of Colleges and Schools.

While UTTC continues to actively seek other non-federal resource assistance, the institution requests the support of the Congress through BIA. The BIA has not provided any "self-sufficiency" assistance or advice, to date. UTTC has established a small endowment which is some $40,000. It has received some help to improve its programs through such foundations as US West. However, these efforts remain short term. More time is necessary for long term development. Therefore, we need the continued assistance of the U.S. Congress.

Thank you Mr. Chairman and members of the committee for your past help and consideration.

**STATEMENT OF RUSSELL HAWKINS
TRIBAL CHAIRMAN OF THE SISSETON-WAHPETON SIOUX TRIBE, OF NORTHEASTERN SOUTH DAKOTA, AGENCY VILLAGE, SOUTH DAKOTA, IN REGARD TO APPROPRIATIONS**

HONORABLE SIDNEY YATES,

I am pleased to present testimony on behalf of the Tribal government of the Sisseton-Wahpeton Sioux Tribe of Agency Village, South Dakota, in regard to those portions of the Fiscal Year 1991 budget that affect members of our Tribe.

The Sisseton-Wahpeton Sioux Tribe takes very seriously the appropriation of funds for the Bureau of Indian Affairs, Indian Health Service, and other Agencies that provide beneficial programs for the health, educational, and socio-economic development of our Tribe and its members. In Fiscal year 1970, in advance of the Public Law 93-638, Indian Self-Determination Act, our Tribe utilizing provisions of the "Buy-Indian Act" contracted to administer Bureau of Indian Affairs, Indian Health Service, Department of Health and Human Services, Department of Labor, and State programs; and, hence, we have had over nineteen (19) years experience in the development and establishment of Tribal governmental capacities in administering federal and other programs for which the Congress has appropriated funds. Accordingly, our comments shall be directed toward those federal agency programs which provide direct benefits to our Tribal members either in the form of our Tribe's contracting for these programs or direct participation of Tribal members in these programs.

Bureau of Indian Affairs:

1. Law Enforcement and Tribal Government:

   Law enforcement services on the Lake Traverse Reservation must provide police protection on a twenty-four (24) hour a day, seven (7) day a week, basis over 108,900 acres of Indian trust land in northeastern South Dakota; this includes fourteen (14) scattered housing sites totaling five hundred forty-eight (548) housing units in addition to six hundred (600) privately owned homes, all of which range in distance of ten 10 to 35 miles from the

office headquarters. Our Tribal government and approximately ten thousand (10,000) people under its jurisdiction rely heavily on its services. Present law and order services are severely hampered due to insufficient funding. Our situation is such that well-trained staff are not able to respond adequately to normal calls for protective services; only dire emergencies receive proper attention. This situation is a result of a lack of funds available to cover manpower and fuel shortages. Accordingly, we urge that the Congress not only appropriate funds for local law enforcement and staff training, but also direct that the Bureau of Indian Affairs allocate such appropriated funds to the Agency office on the reservation where the Tribal government can apply for these funds. We further must emphasis that the Bureau of Indian Affairs could not provide the same level of services with the the funding level available.

Also, we request an appropriation for developing the administrative capabilities of tribal government by providing funds for obtaining professional, technical assistance in areas of tax development, policy development, legislative and regulatory capabilities, and improving tribal law to meet the demands of complex governmental and individual relationships which are surfacing constantly between the Tribe and States.

2. Trust Responsibilities and Natural Resources Development:

Our concerns for the Bureau of Indian Affairs' role in Trust Responsibilities and Natural Resource Development stems from the fact that in 1970, our Tribally owned land base had diminished to 850 acres and Indian owned allotments on our reservation had an average of over 35 heirs per tract of land. To remedy this situation, our Tribe borrowed $5,634,000.00 from the Farmers Home Administration and we have purchased 27,000.00 acres of heirship land for agricultural and community development purposes. Bureau of Indian Affairs' initiative in this effort during the last 15 years has been ineffective. Hence, we urge the Congress to appropriate funds at an increased level, and direct that sufficient portions of these funds be made available to the Tribe to administer its own land programs over all Indian trust land, whether in leasing or other types of management. Secondly, we urge appropriations for Natural Resource development such as land improvement projects for the improvement and preservation of Indian agricultural lands which also would serve to provide employment opportunity to Indian contractors and Indian people.

3. Housing Assistance:

For Bureau of Indian Affairs-Non-Indian Priority System programs, our concerns begin with funds provided for the Home Improvement Program. The Bureau of Indian Affairs has never requested full amount of funds to meet existing needs of tribal members. For our whole Tribe, current funding amounts to $53,000.00, including administrative costs. We urge appropriation closer to the level of $3,200,000.00.

Secondly, we recommend an increase of $1,800,000.00 ($6,000 X 300 students) for Bureau of Indian Affairs Higher Education Grants.

Thirdly, we urge an increase for reservation based Johnson O'Malley programs inasmuch as Indian students directly benefit from this program.

Fourthly, Bureau of Indian Affairs-Adult Vocational Training and Direct Employment Assistance programs ought be accorded an increase rather than a reduction at a time when Indian unemployed people require minimally a GED for employment opportunity.

Lastly, we urge increased appropriations for the Bureau of Indian Affairs-road maintenance program, which would not only improve roads and snow removal efforts in a harsh climate but also provide us with employment.

4. Indian Services:

On our reservation, our Tribe administers the majority of programs in the Bureau of Indian Affairs' "Indian Services" component. These include the following:

1) Aid to Tribal Government;
2) Law Enforcement;
3) Indian Child Welfare;
4) Judicial Services;
5) Credit and Finance;
6) Agriculture;
7) Agricultural Extension Services;
8) Natural Rights Protection;
9) Tribal Work Experience;
10) Lease Compliance;
11) Housing Improvement Program;
12) Johnson O'Malley; and,
13) Road Maintenance and Snow Removal.

Also, this past month the Bureau of Indian Affairs approved of the Tribe contracting the following two programs;

1. Adult Vocational Training; and,
2. Direct Employment Assistance.

The federal administration while promising continuation of the "safety-net" for the poor consistently has reduced requests for appropriations in Bureau of Indian Affairs' Indian Services by 25% to 35%. At the same time the Bureau of Indian Affairs' has adeptly passed Gramm, Hollings, Ruddman Act reductions on to Tribal contractors. All done in a time of high unemployment, 80% for our Tribe, and when increased demands for social services, child protection, law enforcement, and Tribal Court services has more than tripled; hence, we urge an increase of 20% for the Indian Service programs until such time as a national economic recovery shall have occurred.

5. Bureau of Indian Affairs - Water Study:

Our Tribe has made several attempts at determining the quantity and quality of the underground water of the Lake Traverse Reservation with near success. The financing of the three year project is complete except for the funding of test-drilling which requires an appropriation. The water study will benefit not only the Tribe and its members but also the local communities, area residents and farmers in northeast South Dakota. We urge an increase of funds for this activity so as to continue development of our communities.

6. Indirect Costs:

Our Tribe has had near traumatic experiences with the U.S. Department of Interior Office of Inspector General's rules for collection of indirect costs for administration of the Tribe's federal contracts and grants. First, not all federal agencies agree to authorize payment of the Tribe's rate, resulting in under-recovery for which the Tribe is penalized in the following year; secondly, in instances of a continuing resolution, the federal agencies allow only 75% of the indirect cost rate. These practices have served to nearly bankrupt our Tribal government which is low on cash reserves. We urge Congressionally approved study and resolution of these problems and a mandate to States and federal agencies to

authorize payment of the Tribe's rate for all contracts and grants.

Indian Health Service:

1. Contract Health Service Program:

We strongly urge an increase of appropriations for Indian Health Service's Contract Health Service funds so as to enable the federal health-care provider to have adequate funds for good and preventive medical care rather than emergency and life-threatening situations exclusively.

2. In-Patient Care Facilities:

The Congress herein is requested urgently to direct that alternative plans be developed for improving in-patient care facilities.

3. Continuation Of CHR Program:

The Community Health Representative program needs to be continued and appropriations are needed for this accessibility to health care programs. The Community Health Representative program needs additional funds to increase its ability to meet specialized health care needs.

4. Indian Alcoholism Programs:

The rate of Indian alcoholism is at an all time high on our reservation. Instances of violence and fatalities invariably involve the abusive use of alcohol. Our Tribe's approach has been one of treating the alcoholic and his family once the family Tribe has intervened. While primary alcoholism treatment costs range from $65. to $125. per day, our costs based upon available Indian Health Service funds amount to $15. to $35. per day. Accordingly, we urge an increased appropriation for Indian Health Service alcoholism programs so that our effectiveness can increase, and thereby prevent accidents, violence, and civil disorder caused by untreated alcoholics. Additionally, intervention must now start with the unborn and very young so as to help

them reach adulthood.

5. Maternal and Child Health Programs:

Increased appropriations are herein urged for the Tribe's Maternal and Child Health Programs, so as to assure continued care for Indian mothers and their children.

6. Indirect Costs:

The Indian Health Service does not have an indirect cost appropriation to add to the Tribe's contracts for the indirect cost assessment. Funds must be taken from direct costs to pay for indirect costs. We urge that this problem be resolved by appropriating funds for Indian Health Service's contract support pool.

7. Indian Health Service Health Education:

We urge continued support by appropriation of the health education program, which serves to prevent accidents among Indian people.

Older Americans Act:

Our Tribe administers an aggressive program of nutrition for Indian seniors through provisions of Title III of the Older Americans Act. We strongly urge that the Appropriations Committee increase appropriations for Title III of this Act, so that together with our State we can continue to feed and provide adequate diet and nutrition to Indian elderly who are the "Neediest of the Needy".

Accessibility for the Handicapped:

Section 504 of the Rehabilitation Act of 1973 and its amendment requires accessibility to all public facilities for those who are physically handicapped. Our Tribe has developed and established a comprehensive plan on accessibility for all public buildings within our jurisdiction. Approximately $90,000.00 is required to implement this plan. We urge an appropriation for our Tribe so that we can implement this plan.

Job Training Partnership Act:

With regard to the JTPA program, we strongly recommend that the Appropriations Committee consider the merits of special

appropriations for the Indian JTPA program, owing to the extremely high unemployment rate of Indian people, together with lack of job skills.

Department of Health and Human Services:

1. Block Grants:

   We concur with the thrust to implement direct federal/tribal funding of block grants from HHS. To achieve this objective, we urge sufficient appropriations to effectuate this approach.

2. Administration of Native Americans Program:

   With regard to this program, we urge that Congress direct ANA to adopt a block grant approach for federally recognized Tribes and that the appropriation to implement this approach be separate from those funds scheduled for urban Indian programs.

In conclusion, we appreciate this opportunity to present the views of the Sisseton-Wahpeton Sioux Tribe in regard to the Fy-1991 Appropriations.

Russell Hawkins
Tribal Chairman

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS INDIAN HEALTH SERVICE

WITNESSES

JAMES SAPPIER, GOVERNOR, PENOBSCOT INDIAN NATION
THERESA HAWK, GEOLOGIST

Mr. ATKINS. Penobscot Indian Nation? We are keeping right on schedule, and your written statement will be put in the record. To the extent that you are able, if you could highlight the things that you want to bring to our attention, we will focus on those.

Mr. SAPPIER. Good morning. I'm Jim Sappier, governor of the Penobscot Indian Nation. I'm also a member of the board of directors of the American Indian Graduate Center, and Penobscot supports the American Indian Graduate Center in giving the AIGC the latitude to continue performing the miracles they've been performing in the Indian country.

To summarize rather quickly, in five minutes or less, I believe after 20 years in the business that the Bureau has been created to bankrupt tribes. The act that was passed by a tribal agreement between the State of Maine, the U.S. Government, Penobscot and other tribes in Maine, clearly doesn't have any money in it for infrastructure of the tribes. In other words, there is no power.

The tribes have had to come up with those kinds of infrastructure costs themselves. I compliment the Committee last year for coming out with a needs assessment for Maine. However, in conference with the Senate, the Senate decided that the tribes will be compared against the other tribes in the State of Maine.

That really is like comparing the groups of people that had the worst conditions in health and worst conditions in education with each other. Why not have comparisons with the State of Maine or Massachusetts or New York or what have you?

For example, in Maine there is $2,306 of Federal money spent per capita to local units of government and municipalities. That is for non-Indians. Across the bridge on my reservation we have a whole bunch of islands that we live on. We have an expenditure of $2,060 per capita for Indians. Why didn't the House and the Senate, for example, compare the health standards of the Penobscot Indians in Maine against the non-Indians of Maine?

There is a shortfall in the Federal funding on a per capita basis anyway with the State of Maine per individual as with Indian tribes. Approximately $2,306 for a non-Indian, $2,060 for an Indian. If you deducted those kind of figures from that expenditure to all of the trust responsibility issues, game wardens, fish and wildlife, tribal courts, et cetera, you then see an Indian tribe on an individual basis receiving somewhere around $950 per capita of Federal funds as compared to $2,306 for local towns and municipalities.

Rather quickly, I'm going to move on. There is a point that is really significant to us.

Mr. ATKINS. We appreciate that.

Mr. SAPPIER. Community fire protection was the—sometimes the Bureau doesn't listen to Federal law. I think sometimes the House

and the Senate are going to tell the Bureau, "Hey, a Federal law has been passed. You guys conform to this or else." I think it's time that the House do something concerning the community fire protection in Penobscot. They were told to place the $50,000 add-on last year into the base funding. Apparently, they never did.

Mr. ATKINS. That's a constant struggle we have with them.

Mr. SAPPIER. I think somebody has got to make them accountable because they will make Indians at the local level accountable.

Mr. ATKINS. You have a couple of minutes left.

Mr. SAPPIER. There is an overrun of law enforcement that we had for years. We do need an additional $94,000 there. Social services, you're telling us to do the social service programs. Compared to any other program, we have five people doing that kind of job. On the State level——

Mr. ATKINS. This Committee is very sympathetic to that problem.

Mr. SAPPIER. Indian Health Services, et cetera. I'd like to introduce to you Theresa Hawk. She is our master geologist, and she is a Penobscot member.

Mr. ATKINS. Unfortunately, you only have one minute. This committee also has jurisdiction of the Bureau of Mines, so we will look closely into the——

Ms. HAWK. I'll go into those quickly, so that I could get a couple of things done at once. Maybe you could look at the metals from our lands, and I could speak for a minute.

Late Monday afternoon, this Monday, March 12, we learned that the joint Penobscot and Passamaquoddy mineral assessment program was not funded in fiscal year 1990. This is six months into fiscal year 1990. To our knowledge, it is the only ongoing metals program in the eastern United States and probably the only program totally run by an Indian tribe 638 contract in the United States.

I'd like to point out that work is completed for two tribes, and our budget only requested for one. As you know, the Indian Mineral Development Act of 1982 was set up to permit Indian tribes to enter into agreements with companies for development of tribal resources.

We currently have several companies interested in leasing a couple of base and precious metal prospects in Maine on Indian land. This core is from those prospects.

Both tribes will find themselves in a severely weakened position if we're not even able to maintain an office. How are we expected to negotiate with mineral companies, mining companies, without an office or even one position?

Mr. ATKINS. If you could submit for us for the record the present status of your minerals program and what you feel the potential is.

[Material was not supplied to the Subcommittee at the time of printing.]

Mr. ATKINS. I would tell you that I was up there last weekend. I have a brother who lives right next door, so I'm well familiar with the circumstances. I think that the minerals program, in my judgment, does have significant promise.

Ms. HAWK. Thank you very much.

Mr. ATKINS. Thank you. We will take a close look at it. We will not put your core samples in the record. [Laughter.]

Mr. ATKINS. What is it that you're expecting to——

Ms. HAWK. Copper, zinc, silver, and hopefully gold. Molybdenum, as well, has been located in minor amounts on Passamaquoddy lands. There is a lot of potential.

If I could just say one more thing. In terms of mining permits, there are three being submitted in the State of Maine right now. There are probably more permits being submitted in that State than any other State in the country with a total initial investment of about $125 million. That is not even on our land yet, so we do have a lot of hope.

Mr. ATKINS. Okay.

Ms. HAWK. Thank you very much.

Mr. ATKINS. Thank you.

[The prepared statement of Mr. Sappier follows:]

Office of the Governor and Council
James G. Sappier
Governor
Philip E. Gunmond
Lt. Governor
Priscilla Attean
Representative

Community Building
Indian Island
Old Town, Maine 04468
(207) 827-7776
FAX (207) 827-6042

TESTIMONY OF THE PENOBSCOT INDIAN NATION

COMPARISON/ANALYSIS REPORT

In 1990 the House and Senate Interior Appropriations Subcommittee showed concern regarding the funding for the Penobscot and Passamaquoddy tribes of Maine. The House Report contained language directing that a true assessment of the needs of the Maine tribes take place. When this issue was undertaken in preparation for the Conference Committee, the House language regarding our needs assessment was severely weakened and, to our great disappointment, the Conferees ended up with report language directing the Bureau of Indian Affairs to conduct an analysis of the funding available to the Maine tribes compared to funding levels for other tribes under the jurisdiction of the Eastern Area Office. This report was to be submitted to Congress by March 1, 1990. The Penobscot Indian Nation hasn't been given the opportunity to provide any input into this report, nor the chance to review this document before its submission. We are unsure of the finding at the time and are doubtful that they will be helpful, but we intend to pursue our efforts in obtaining sufficient funding to serve the true needs of our people.

We are requesting that a copy of the Eastern Area's report be made available to the Penobscot Indian Nation and they be given the opportunity to respond.

FIRE DEPARTMENT

In 1990 the Penobscot Indian Nation submitted testimony demonstrating their Fire Protection needs, and requested $550,000, most of which was a one time request for equipment and an enlarged fire station. Presumably as a result of budget restraints, the FY 1990 Interior Appropriations bill included only $50,000 for fire protection. However, the Conference Report also stipulated that these monies were to be permanently added to our annual base level which was encouraging. Unfortunately, the BIA has ignored this congressional directive and the FY '91 BIA Budget Justification does not include any money for fire fighting for the Penobscot Reservation.

Our need to provide adequate fire protection is still a priority and is steadily increasing. We have approximately 527 persons who reside on the reservation. Also, we are currently in the process of applying for 20-30 single family H.U.D. units, and 10 elderly units. We are estimating the FY 1991 population of our reservation to increase by 115 persons, the total population will then be 640 persons.

In the past year, the Penobscot Indian Nation depended upon their neighboring town, Old Town, to be their primary source of fire protection. In 1988, we attempted to renegotiate our fire protection agreement with Old Town, but they responded that they were experiencing their own fire protection difficulties and refused to enter into any further agreements. (See Attachment 1)

Presently, the Penobscot Indian Nation's primary source of fire protection is a tribally funded volunteer fire department. Due to inadequate equipment and untrained personnel, this department cannot provide adequate fire protection, nor can the tribe afford to continue 100% funding. Therefore, as we did last year, we will be requesting $550,000, a one time request of $375,000, and the remaining $175,000 be allocated to our permanent base.

LAW ENFORCEMENT

In FY 1990, the Penobscot Indian Nation requested $147,700 for Law Enforcement. The Appropriations Committee funded our law enforcement program at the level of $50,000 and directed that it too be added to our permanent base. We were grateful for the level of assistance that was provided, but unfortunately we cannot operate a law enforcement program at this level.

As we have explained in the past years, our Law Enforcement Department is required under the Maine's Implementing Act to conform to the duties and responsibilities of a municipality under state law. In compliance with state law, our law enforcement officers must adhere to strict mandatory basic training requirements. Our present law enforcement budget cannot afford to absorb these training costs, nor can we afford competitive wages. Many of our trained personnel have sought employment in other law enforcement agencies who can offer decent wages. In addition to complying with state law, the Penobscot Indian Nation must carry out standards set forth in the Bureau of Indian Affairs Manual (Law Enforcement Handbook). Conforming to both state and federal regulations is expensive, and the

level of funding we are receiving does not allow us to remain in compliance.

Further, the Penobscot Indian Nation maintains a 24 (twenty-four) hour law enforcement dispatching service. This is a vital component of any law enforcement's operations. Again, trained personnel is a necessity, and we must be able to pay competitive wages.

The Penobscot Indian Nation requests an additional $93,700 be added to the law enforcement base. These additional funds will allow the Penobscot Indian Nation to comply with mandated regulations, and provide adequate law enforcement protection.

SOCIAL SERVICES

The Penobscot Indian Nation's Department of Social Services, (which is funded through B.I.A.), is in dire need of obtaining additional funding. This department is responsible for administering general assistance, child welfare, and miscellaneous assistance. The average case load is approximately 181 persons per month. Presently, there is only one administrative position in the Department. This person is responsible for writing all grants/contracts, controlling all budgetary matters, certifying HEAP eligibility, acting as Program Director of the Elderly Nutrition and Supportive Services Program, and directly supervising five staff persons. Because it is the only administrative position in the department, it is an extremely stressful one. In FY 1989 alone, there were nine different persons who acted in this capacity. Consistent administration and management is essential to program operations, and in order to achieve this consistency, it is critical that the department acquire an additional administrative person.

Further, this deparment is responsible for child protection matters. Presently, we receive nominal funding through an Indian Child Welfare Act (competitive) grant sufficient to pay the salary of one caseworker and supportive costs such as travel and client counseling. A goal of the program is to develop foster care licensing standards as well as to recruit indian foster homes for our children who need such care. Because child protective issues are complex which, in turn, make casework management time consuming, it has been difficult to make significant progress toward the development of these standards or recruitment of licensed indian foster homes. Not only does the nature of work create stress, but having to be on call every night and weekend has also caused problems for any person who has held this position. The turnover in this position is almost as dramatic as the Human Services Director, and is almost as disastrous because it greatly inhibits our ability to provide the consistant and effective case management necessary for the welfare of our children. Therefore, it is in the best interest of the well-being of our children that we secure additional funds for this program.

Based on the foregoing information, it is anticipated that additional funding in the amount of $56,000 be added to our permanent base. These additional funds will allow for the Penobscot Indian Nation to provide an additional full-time administrative position and a half-time child and family services casework assistant.

INDIAN HEALTH SERVICE

Over the past five years the Penobscot Indian Nation has made numerous attempts to secure funds to renovate the existing facility or to construct a new facility. A space needs assessment completed in 1988 shows that based on standards set by IHS in the Health Facilities Planning Manual Vol. 1, that our health facility should have 12,400 square feet available for health services. Presently, this facility has only 3,500 square feet devoted to the provisions of health care.

We have been told that in order to get IHS construction money we must be on the priority list. The criteria for the priority list clearly eliminates small P.L. 93-638 contractors. The IHS Master Plan states that "small facilities with less than 4,400 primary care provider visits are uneconomical and inefficient and will not be considered for funding." The Penobscot Nation can only get funding for construction if we have more patient visits but we don't have the space to see more patients. We are in a classic "Catch 22" situation dreamed up the the IHS.

To alleviate the chronic overcrowding and to be able to provide our members with services, the

Penobscot Indian Nation secured a loan commitment through FmHA to renovate the existing facility. The Penobscot Indian Nation had no choice but to utilize direct services dollars to fulfill our need. To cover the costs of the debt service, and not reduce direct services, we are requesting the Penobscot Indian Nation's base budget be increased by $25,000/yr, or we receive new construction funds of $2 million.

Also, in order to be able to continue to provide adequate health care, the Penobscot Indian Nation must be able to attract and maintain qualified personnel. In order for us to accomplish this, we must be able to pay competitive wages. We anticipate that an additional $141,000 needs to be added to our permanent base from IHS.

Further, P.L. 94-437, Section 713, contains eligibility requirements that state:

> Any individual who has not attained 19 years of age, is the natural or adopted child, step-child, foster child, legal ward or orphan of an eligible Indian and is not otherwise eligible for health services provided by the Services shall be eligible for all health services.

This eligibility requirement has increased our service population, but we haven't received any additional funding to off-set increased costs. We are projecting we will need an additional $260,000 to meet this requirement.

Our last concern pertains to P.L. 100-472, legislation enacted in the 100th Congress to amend the Indian Self-Determination Act (PL 93-638). These amendments contain a provision which eliminates contractors from being held liable for amounts of indebtedness attributable to theoretical or actual under-recoveries or the theoretical over-recoveries of indirect costs as defined in OMB Circular A-87 or OMB Circular A-122 incurred for fiscal years prior to Fiscal Year 1988. Theoretical over-recoveries will be eliminated and actual over-recoveries will be refunded to the federal government.

In May, 1988, the Penobscot Indian Nation signed an agreement with the Indian Health Service. This agreement was to settle a dispute in which IHS alleged that the Penobscot Indian Nation over-recovered indirect costs. Even though we deny over-recovering indirect cost, we were forced to sign a repayment agreement to settle "mutual differences" and to avoid the costs and risks of legal litigation. This agreement required the Penobscot Indian Nation to pay IHS $31,666/yr. for six years. Since it has not been proven that we had an actual over-recovery we would like to ask that the Congress help us to void this agreement and to further have repaid to us the $62,000 we have already paid IHS.

MINING AND MINERALS

After being funded in previous years for minerals exploration on Penobscot and Passamaquoddy Trust lands, the Penobscot Nation learned on Monday, March 12, 1990 that the BIA is not providing funds to continue this important program in FY 1990. The joint Penobscot-Passamaquoddy minerals exploration program has been approached by several mining companies who are interested in entering into minerals leases on Penobscot and Passamaquoddy trust lands on base and precious metals prospects developed through exploration conducted by the Penobscot Nation. The potential for significant new metals deposits in the State of Maine is evidenced by three mining companies currently applying for mining permits, with a total potential investment of 125 million dollars. After two site visits by BIA Energy and Minerals staff, we were told that the joint Penobscot-Passamaquoddy minerals program is a model of efficiency and should be continued. Without continued funding for this project, both tribes will be put in a severely weakened position with respect to negotiating minerals leases on developed prospects as well as needed explorations on less advanced prospects on newly acquired trust lands. The Penobscot Nation asks the committee to consider funding in the amount of $300,000 in the FY 90 supplemental appropriations request. If a supplemental appropriations bill for FY 90 is enacted, and if not, to include this request in the FY 1991 appropriations bill. Discontinued funding of the project at this phase in the minerals exploration program would be a severe set-back to the economic development and self-sufficiency goals of the Penobscot Nation and the Passamaquoddy tribes.

We thank you for your assistance.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

CLAIR SABATTIS, TRIBAL CHAIRMAN, COUNCIL OF HOULTON BAND OF MALISEET INDIANS OF MAINE

Mr. ATKINS. Houlton Band of Maliseet Indians of Maine? Again, I will caution you that we are sticking strictly to the five minutes.

Mr. SABATTIS. Good morning, Mr. Chairman and members of the Committee.

I am Clair Sabattis. I'm the tribal chairman of the council of Houlton Band of Maliseet Indians. I appreciate this opportunity to testify before the Committee today on matters of great importance to our tribe for funding on road construction and the bridge construction projects for our new tribal lands.

This is a special honor for me because in the five years as tribal chairman this is the first time that I have ever had the opportunity to appear before the Committee. The tribe is a very small tribe, about 534 members, located between the U.S. and Canadian borders. Approximately 75 to 80 percent of our tribal members live in the area, and they are scattered throughout the county.

We are not a wealthy tribe. Virtually our only assets are funds that we receive through the Maine land claims settlement. This can only be used for land purchases.

Our highest priorities have been establishing a physical site for our housing community. With the funds we received from settlement, we purchased 514 acres of vacant farmland north of the town of Houlton, Maine. This achieved a first for our tribe in recent history and established a tribal land base and a focus for our tribal activities.

Since then, we have taken steps to develop the land by building a community tribal center with the funding from a community development block grant program. This community center does, in fact, create a focus of our tribe because of our health, social services, education, real estate, forestry, and administrative offices are now located within the center.

In addition to the community center, we plan to construct new housing this year. With the purchase and development of the land, we have truly begun the process of reestablishing a truly tribal homeland.

Mr. ATKINS. Good.

Mr. SABATTIS. In the appropriations request, we are requesting—without a hard surface road, our plans for establishing a tribal community on this land will be delayed at best. Our tribal community center and housing will remain inaccessible for many months of the year unless we can obtain the necessary funding to improve the roads.

Mr. ATKINS. We have looked through your road request very closely. Let me first suggest that we are very heartened by your purchase of the land so that you now have a tribal land base and a focus for your activities for the tribe.

We have looked over your request on the roads, and let me just suggest to you that in the Federal Highway Administration there is $80 million set aside particularly for Indian roads. This Committee has always tried to resist getting dragged into allocating money for roads even though those roads are administered by the BIA. We appreciate, particularly in your instance, how important those roads are, but we have so many pressures for human resources and natural resources.

We will take your request, and we'll review it carefully, but I would suggest to you that you work with the BIA, the Federal Highway Administration, with your elected officials in Maine, the Maine Highway Department and so forth to work to get an allocation out of that $80 million sum.

Mr. SABATTIS. Well, we have documentation at the present from the Department of Highways indicating that they would provide up to 50 percent of the construction of the highway, with 75 percent from the tribal side. I'm not sure exactly what the town of Houlton would provide.

Mr. ATKINS. Well, I wish you luck on this. I know that the bridge problem is particularly a severe one that causes significant problems in the area.

Mr. SABATTIS. Okay. I want to thank you again for allowing me to testify before this Subcommittee. We hope that somehow we can get the funds for the bridge and the road monies.

Mr. ATKINS. We will do our best in assisting you. Let me again congratulate you on the work that the tribe has been doing so far. You're putting yourself on the map, and we appreciate that.

Mr. SABATTIS. Thank you very much.

[The prepared statement of Mr. Sabattis follows:]

TESTIMONY OF THE
HOULTON BAND OF MALISEET INDIANS OF MAINE

Before the
Subcommittee on the Interior
House Appropriations Committee

March 15, 1990

Mr. Chairman and members of the Committee, I am Clair Sabattis. I am Chairman of the Council of the Houlton Band of Maliseet Indians of Maine. I appreciate the opportunity to testify before the Committee today on a matter of great importance to my tribe -- funding for a road and bridge construction project for our new tribal lands. This is a special honor for me because in five years as Tribal Chairman, this is the first time I have appeared before this Committee.

We are a small tribe of 534 members located on the U.S./Canadian border in Maine. Approximately 75 to 80 percent of our members live in the area, scattered throughout the county. We are not a wealthy tribe -- virtually our only asset is the fund we received under the Maine land claims settlement, and this can be used only for land purchase.

Among our highest priorities has been establishing a physical site for our tribal community. With the funds we received from the settlement, we purchased 514 acres of vacant farmland north of the town of Houlton, Maine. This achieved a first for our tribe in recent history -- an established tribal land base and a focus for our tribal activities.

Since then, we have taken steps to develop the land, by building a tribal community center with funding from the Community Development Block Grant program. This community center does in fact create a central focus for our tribe, because our health, social services, education, real estate and administrative offices are now all located in the Center.

In addition to the community center, we plan to build housing on this land as well, within the next year. Therefore, with the purchase and development of the land, we have truly begun the process of re-establishing a tribal homeland.

Requested Appropriations

Our development and use of the land have been seriously hampered, however, because of the conditions of existing roads. We appear before you to request a modest amount of funding for two projects: improvement of the road on our lands and construction of a bridge.

1. Improvement of the road

Without a hard-surface road, our plans for establishing a tribal community on this land will be delayed, at best. Our tribal community center and housing will remain inaccessible for many months of the year, unless we can obtain the necessary funding to improve the road.

The farmland we bought had only one "road" when we took possession and this "road" had not been used by the public at all since the early 1900s. This half mile stretch of dirt road is currently the only access within our boundaries to the community center and the housing we plan to build. It lies along the flood plain of the Meduxnekeag River.

During the spring and fall "mud seasons," even four wheel drive vehicles are unable to travel the road without getting stuck axle-deep in mud. Anyone who visits the center must park on the nearest hard surface road and then walk a half-mile, often through ankle-deep mud. For our elderly tribal members, a visit to the center becomes virtually impossible.

We have tried to improve the road ourselves with the help of the Town of Houlton. The Town supplied nearly two dozen truckloads of gravel to improve the road. Despite this effort, the road remains impassable at this time of year and in the fall.

We currently have 36 employees who work in the center on a daily basis. The center is also visited daily by clients, tribal members and officials, and vendors. With the construction of housing, there will be a significant increase in daily traffic. Improvement of the road to accommodate the traffic is therefore essential to our future development and progress.

The Town of Houlton has estimated the cost of improving the road. To replace the existing road bed, install two 35-inch culverts, prepare the road surface with macadam and prepare the shoulders would cost an estimated $164,101. The estimates are based on state standards for a secondary road of nearly a half mile in length, at a rate of $24.50 per square yard and using existing Town materials. Copies of the estimate are attached.

2. Bridge construction

The impassable condition of the road on our land is not our only problem, however. In addition, we are currently unable to use the most direct route to our land from the surrounding community. The existing bridge on this direct route was closed in 1981. As a result, we must take a detour -- traveling a much greater distance on much poorer roads.

Without the bridge, we must travel several additional miles. While the Town of Houlton has been improving sections of this detour route over the last two or three years, part of the road is still dirt and gravel and will remain so. It is subject to heavy snow drifts

in the winter and some muddiness in the spring and fall. The road has many turns and can be difficult to navigate. By contrast, the other route is in excellent condition, is easily maintained and follows a straight path into Houlton. It is therefore of the utmost importance to us to replace the bridge and provide us with convenient and reliable access to our land.

We have talked with the State of Maine and the Town of Houlton about sharing the costs of constructing a new bridge. Plans for building a bridge are currently under consideration, with the State of Maine paying half the costs of constructing the bridge.

Estimated costs of building the bridge range from $850,000 to $900,000, depending on whether a timber bridge or steel and concrete bridge is constructed. A timber bridge would cost an estimated $900,000, with joint funding from the tribe, state and town, as well as a small contribution from the Forest Service. The tribe's share of funding a timber bridge would be 43 3/4 percent, or $393,750.

If a steel and concrete bridge is constructed, then costs are estimated at around $850,000. The tribe's share of a steel and concrete bridge would be between $371,875 and $425,000. Our preference is for a concrete and steel bridge because of the volume of traffic and the permanence of a concrete and steel structure. In addition, it is estimated that a timber bridge requires annual maintenance of approximately $2,000, while maintenance costs for concrete and steel bridges are minimal. We would be happy to provide documentation for the estimates on these costs and the proposals.

BIA Response to Request for Funding

Apparently there is no way, under the BIA system of allocating road funds, for a small tribe like mine to obtain funds for even the most important road project. The BIA has informed us that there is far too little funding for Eastern area tribes for road construction. We were told that if the BIA funded this project, we would receive no additional road construction funds for the next 15 years. Instead, we were offered $10,000 for construction. This year, we received only $8,800 for road maintenance, which was the first time we received any funding.

Conclusion

As I mentioned earlier, this is the first time we have appeared before you and requested your help. We have come because we are desperately in need of funds for our road and bridge construction projects and we have nowhere else to turn. We seek a modest amount and do not anticipate a continuing need for funds for these projects. We ask that you help us make our tribal homeland a reality and appropriate funds for the construction of a road on our land and half the costs of constructing the bridge.

TOWN OF HOULTON
MAINE 04730

ADMINISTRATION
21 Water Street
532-3111

AMBULANCE
91 Military Street
532-3666

ASSESSING
21 Water Street
532-3111

CEMETERY
Cemetery Road
532-4161

CIVIL EMERGENCY PREPAREDNESS
21 Water Street
532-6619

COMMUNITY DEVELOPMENT
21 Water Street
532-3111

FIRE
91 Military Street

HEALTH & SOCIAL SERVICES
21 Water Street
532-3111

INTERNATIONAL AIRPORT
532-4221

PARKS & RECREATION
Main Street
532-2270

POLICE
91 Military Street
532-2187

PUBLIC WORKS
Town Garage
Bangor Road
532-3400

Gallon Road (aka Bell Road), Town of Houlton

Road Reconstruction Estimates 3/7/90 RLB

Right of way: width 66 feet
length 2153 feet

Right of way to be provided by Houlton Band of Maliseet Indians.

No right-of-way cost estimated.

Roadway Construction:

Removal and replacement of existing road bed, in accordance with State of Maine road standards; install two (2) 36-inch culverts; prepare a travel surface of 28 feet to include three inches of macadam paving with three-foot graveled travel shoulders.

Average road construction cost in the Houlton area is approximately $24.50 per square yard.

Road length 2123 feet
Travel width 28 feet

[illegible] 28' ÷ 6,678 sq. yards x $24.50 = $16+,101 estimated
[illegible]

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

MELVIN FRANCIS, GOVERNOR, PASSAMAQUODDY TRIBE, PLEASANT POINT

Mr. ATKINS. Passamaquoddy Tribe, Pleasant Point?

Mr. FRANCIS. Mr. Chairman, I'm Melvin Francis from Pleasant Point, Maine.

I would like to express my concern to the chairman for the things that we need to have done, and I express also my concern with other tribes throughout the country for the same concerns that we all are talking about.

One of the things that I want to talk about generally, is the allocation of funds in the BIA system where the indirect service cost rate every year is depleted. We're always forced to close our programs. This year, I was forced to close off programs and identify the $300,000 that will not be coming to the Passamaquoddy tribe. For that reason, I want it on record that this shouldn't go on because it is a hindrance to the Passamaquoddy's and also for other tribes in the United States.

The second issue that I would like to express my concern with would be the water and sewer issue that we have in Pleasant Point. We have a reservation that is clustered with 187 homes, and it is only 99 acres. We also purchased brand new annex land that has to be developed. Without water and sewer monies for development we can't do this. We have allocations from HUD programs. We have allocation from IHS programs. We also have allocations from BIA.

Without that resource to expand the treatment plant facility to the annex land, it is all a waste of time. Again, Mr. Chairman, I would like to address that to you.

The other issue that I want to talk about is the inadequacy of IHS programs. The funding level in the IHS program, which has depleted considerably, is of great concern for the Passamaquoddy tribe as well as the other tribes in the Nation. For that simple reason, I just want to say that the allocations are very low, and our IHS department is going into a deficit at this time.

I want this in the record so that, I can address that if it needs to be brought up again. Right now, the Passamaquoddy tribe is using the indirect dollars to support the IHS issue and to bring about a better and healthier community for the tribe.

One last thing I want to bring out is the needs assessment that I brought out last year. It was, to me, improperly done. The whole intention for the needs assessment wasn't to compare but to look at the programs and look at the logistics on the reservation as far as people are concerned.

Mr. ATKINS. You're aware of the House position on the needs assessment.

Mr. FRANCIS. Yes, sir.

Mr. ATKINS. I appreciate the way you reflected that, and I hope you are able to persuade the other branch. I'm not sure that they fully appreciate what happened there.

Mr. FRANCIS. We will continue to do this.

Mr. ATKINS. Let me just suggest that we do appreciate the extreme needs you have in the sewage treatment area. As you are perhaps aware, that money generally comes out of the overall construction grants program. They've put a higher priority on water. We will certainly be raising questions about that. I think that the water priorities probably correctly place the water treatment—but certainly there are some exceptions, like yours, where there is an extreme need in the sewer side. We'll look into that.

Mr. FRANCIS. Right. I just also wanted to say that there is an analysis here for the treatment plant facility which isn't part of this session, but——

Mr. ATKINS. If you would like to add it for the record—well, we do have a copy of it.

Mr. FRANCIS. Okay.

Mr. ATKINS. Thank you.

Mr. FRANCIS. I appreciate this time and your listening to my issues. Thank you again.

Mr. ATKINS. Thank you very much.

[The prepared statement of Mr. Francis follows:]

GOVERNOR:
MELVIN FRANCIS, SR.
LT. GOVERNOR:
KENNETH NEWELL, SR.
REPRESENTATIVE:
JOSEPH A. NICHOLAS

TRIBAL COUNCIL:
RALPH F. DANA
RICHARD DOYLE
MAXWELL (CHICK) BARNES
JOHN L. FRANCIS
FREDRICK FRANCIS II
LOUIS PAUL

Pleasant Point Reservation
PERRY, MAINE 04667
Tel. (207) 853-2551

TESTIMONY OF THE PASSAMAQUODDY PLEASANT POINT INDIAN RESERVATION FROM THE STATE OF MAINE ON FISCAL YEAR 1991 INTERIOR APPROPRIATIONS BILL

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE INTERIOR AND RELATED AGENCIES

TESTIMONY OF THE PASSAMAQUODDY PLEASANT POINT RESERVATION

Mr. Chairman, my name is Melvin Francis, I am the Tribal Governor of the Passamaquoddy Pleasant Point Reservation. Our reservation is located in Washington County in the state of Maine between the towns of Eastport and Perry. This is the eastern most point in the United States.

As has been the case in previous years, we have been advised that in testifying before this Committee that we should really prioritize our request and try and get it down to our absolute top issues as your Committee is restricted by budget ceilings including Gramm-Rudman. Once again, in trying to establish such Congressional priorities we have agonized in a like manner to our annual machinations with the inadequacies of the Indian Priority System (IPS). We have needs in so many areas that are severely underfunded that it is difficult to know where to begin and even harder to know where to stop. Perhaps this is an appropriate time to bring to the Committee's attention the total frustration we experience in dealing with the IPS. To put is nicely, the Bureau's implementation of the IPS is a joke. More accurately stated, it is a system in which the BIA allows us to slit our own throats all ostensibly (and callously) in the name of "Self-Determination." The BIA throws up its hands and says "this is what you prioritized as number 1 through 8, therefore number 8 must be the least important and therefore it can be reduced." They have us fighting over crumbs and we urge the Committee to not let it continue. [It also may be appropriate at this stage in our testimony to point out to the Committee that we just closed the books on a number of years worth of BIA contracts by writing off $300,000 in contract support funds that the BIA was obligated to pay our tribe but had never requested funding for. The only way to close these accounts out was for us to eat these costs and while we are quite disheartened about it we apparently had no choice and have just let the federal government off for what we believed were clear legal obligations. We wonder if any other federal contractor has been placed in such an untenable situation.]

The IPS has no relation to the reality of what it costs to operate programs and no relation to gaging our needs. We urge the Appropriations Committee to hold a specific oversight hearing this spring or summer exclusively on the Indian Priority System and ask tribes to make recommendations for changing to a system that is reflective of need and costs and not one that is used to tribes disadvantage.

PASSAMAQUODDY PLEASANT POINT PRIORITIES

SEWAGE TREATMENT FACILITY

Without question, the most important issue on which we seek assistance from the Interior Appropriations Subcommittee continues to be the crises situation we are in with our sewage treatment facility. Our reservation and adjoining annexed lands have a

combined 399 acres. (This is the land in the Perry area and does not include the thousands of acres of new forestry trust lands we have recently obtained in other parts of the state pursuant the Settlement Act.) Prior to obtaining the annexed lands, all of our housing, our school, our offices, and businesses were confined to only 99 acres of land. As our population has grown and number of houses has increased in the past decade we had no land on which to put these people and structures so we built on top of and in between what was already there. As a result, we have what is probably the most densely populated land mass in the state of Maine. This high density community has put a tremendous burden on our sewer treatment plant which was never designed for the type of use that it is now under. The system is now jury-rigged and requires almost 24 hour maintenance to prevent effluents from backing up throughout our community.

Because of this overload on our sewer system, the Maine State Department of Environmental Protection (DEP) has placed a moratorium on the issuance of any construction permits on our 300 acres of annexed lands if we are going to be utilizing the existing sewer system. The state has indicated that before we would be allowed to build anything else we would have to reduce our present system by 5000 gallons of sewage per day or build a new system. In a recent situation that we have just brought to the Committee's attention, the state DEP has also sent us a legal notice requesting that we sign a consent decree in which we must agree to reduce the effluents that we are dumping into the ocean. The proposed consent decree included a hefty fine for already exceeding our present license limits and was proposed as an administrative alternative to much more severe legal action against us by the state.

Mr. Chairman, relative to this consent decree, we are damned if we do and damned if we don't. If I sign it, there is no way I will be able to comply with its requirements unless we get an upgraded sewage treatment facility. This lack of compliance with the decree will ultimately lead to action against my tribe. If I don't sign it, the state will also move with legal action against my tribe and will never lift the moratorium on construction permits thereby denying us meaningful use of our annexed lands and assuring that the Passamaquoddy people of Pleasant Point continue to live packed together like sardines in a can.

For the last three years we have looked into alternative sources for our sewer and sanitation needs. Our community is located on the Atlantic Ocean and therefore the water table is much to close to the surface of the land to build septic tanks by people's houses or for businesses. If we did this we would end up polluting the ocean and we would never get construction permits anyway. In spite of our pleading to various federal agencies we have been unsuccessful in obtaining funds to build a new treatment facility although that would clearly be preferable. We just missed the cutoff under a recent EPA grant program pursuant to the Clean

Water Act and are applying again in the second round but that does not look very promising. EPA has already allocated 80% of its appropriation and the funding of our project would use the majority of what they have left in the second round for entire country.

We simply must get a new treatment facility or have our existing facility modified, updated and expanded. We desperately need for this Committee to direct the Indian Health Service to quickly construct such a system in FY 91 (if not via a supplemental appropriations bill in FY 90, should one be enacted). The estimated cost of an upgrade and modification has been estimated by a civil engineer at $2.212 million. This figure does not include the costs of a transmission line to our annexed lands but we have realized a cost savings as a result of a recent on reservation IHS water (non-sewage) project and we believe that if we combine those funds and HUD money with those requested in this testimony we should have enough to complete this project. Some of these funds can come from both IHS and HUD through the normal procedures of attaining funds for hooking up new homes on our annexed lands (thereby reducing the earmark needed from your Subcommittee), but we are in a chicken and an egg situation in that regard if we can't get construction permits from the state. We are attaching for the Committee's files a brief budget description of how the engineers came up with these cost estimates.

GENERAL HEALTH CARE

The Passamaquoddy Tribe has 10 years of experience in providing health care to its Reservation and Service Area population. Each year the amount of funds available in or P.L. 93-638, the Indian Self-Determination Act, Contract has remained the same or in some instances has diminished, while over the same period inflation and health care costs have escalated considerable. In the State of Maine, a 15% increase was seen in hospital costs in 1989 alone.

Lack of funding has devastated our health care delivery system in the following areas:

1) Health Staff diminished from 24 full time Equivalents (F.E.T.s) to 14.5 F.E.T.s in 1990.
2) The population at Pleasant Point has more than doubled from approximately 600 people in 1982 to over 1200 currently and climbing.
3) Average income at Pleasant Point is $6,000 per year with 66% of our people living below he poverty line. These people are dependant on the services provided by our Health Center.

The tribe has tried to fill in the gaps, spending $184,200 into the present Fiscal Year, and we are still projecting a

shortfall of $145,430 in FY 90, on top of shortfalls of $120,195 and $78,460 in FY 89 and FY 88, respectfully. The method by which IHS distributes its Resources has no parity form one Area Office to another. It appears that even within the Area Office that the Area Directors have inappropriate amounts of subjective discretion in regards to funds and other types of resources flowing through their Offices.

The intent of Congress and the actual implementation of the programs by IHS does not always coincide. This can be demonstrated in many instances. An example of this can be seen in monies intended for Tribal Contractors, when the language of the Appropriations Act is not specific and is left open to interpretation with in the IHS or other federal Agency.

We appeal to the Appropriations Committee and to all the Representatives in the House and all the Senators, to adequately fund the Indian Health Services and to make your intent clear and concise, so as to allow Tribes who are participating in the 638 Contracting process the funds and resources to operate their programs at 100% of Need. To fund at 60% of Need leaves many Indian people without basic health care and perpetuates poverty and depression. The Passamaquoddy shall survive but we need healthy people to prosper.

NEEDS ASSESSMENT

Last year, your Subcommittee agreed to the request of the Passamaquoddy and Penobscot Tribes of Maine for a true needs assessment which would have been undertaken by a neutral third party with the costs, which we projected to be quite nominal, split between the tribes and the BIA. For reasons that we can not understand (there have been needs assessments for other new tribes), the Senate objected to the House language and it was greatly weakened in Conference to a simple comparability study of our funding levels compared to the other tribes in the Eastern Area Office. We must somewhat rhetorically ask what it was that the Senate Committee was afraid this study would prove? A comparability study will in no way reflect what our needs are and what the simple costs are of operating every BIA and IHS program under 638 contract. As the Committee is aware, there are no IHS or BIA offices or staffs in Maine nor have there ever been, so everything we get we must do on our own. There are no buildings we can take over or well cushioned programs we can subsume within a 638 contract as would be the case for a tribe with an existing agency. We ask the Committee to again consider taking the positive step you took last year in recommending the study.

Thank you for allowing us this opportunity to express our views.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

JEANNETTE NEPTUNE, LIEUTENANT GOVERNOR, PASSAMAQUODDY TRIBE, INDIAN TOWNSHIP

Mr. ATKINS. Passamaquoddy Tribe, Indian Township?

Ms. NEPTUNE. Good morning.

Mr. ATKINS. Good morning.

Ms. NEPTUNE. My name is Jeannette Neptune. I'm the lieutenant governor of the Passamaquoddy Indian Township reservation located near Princeton, Maine.

I appreciate the opportunity to represent the people of our reservation and be allowed input into the formulation of the fiscal year 1991 Interior budget. Today I will address the two most important funding issues to my tribe. They are the community fire protection and wildlife and parks protection.

This request addresses the Indian Township priority need to provide a level of public safety services. Specifically, fire fighting that does not currently exist on the reservation. The Indian Township tribal government has trained and staffed the Fire and Rescue Department the last two years at the cost of $265,678. We have run out of financial resources.

There have been three fire-related deaths all involving children on the reservation in recent years. The reservation has the lowest fire safety rate possible from the insurance underwriters. The fact is that it is also ineffectual as evidenced by the high instance of the fire-related deaths on the reservation over the last seven years.

Indian Township does have mutual aid agreements with the town of Princeton and with Grand Lakes Stream whereby the three communities agreed to assist one another with fire suppression activities. However, neither Princeton nor Grand Lakes Stream have full-time fire departments.

In Maine, all communities are rated for insurance purposes by the Maine State Insurance Underwriters, which is a branch of insurance service offices of Massachusetts. A rating of 10 is given communities with virtually no or with totally inadequate fire protection such as those with no fire stations, no full-time departments, no fire-fighting equipment, et cetera.

Indian Township has a rating of 10 from the ISO, indicating it has virtually no recognized fire protection from the standards of this agency. The Passamaquoddy tribe's insurance agent has indicated that if the tribe builds a new public safety building including a fire station and purchases new fire trucks, our fire protection rating could be lowered as much as five points.

To respond to this program, the tribal government needs to order a new fire truck. Enclosed is a proposal of a well-known fire equipment company in Vermont for a 1988 Ford C-8000 with a 2,000 total gallon capacity, fully equipped at a cost of $120,800.

We also seek the Committee's assistance in determining how much the BIA is giving to the State of Maine each year for forest

fire suppression and pre-suppression as to why the Bureau will give these funds to the State and not to the tribes.

Our other issue is the wildlife and parks ranger service. Since the settlement of the Maine Indian land claims case in 1980, the tribe has acquired almost 150,000 acres of land, mostly wilderness, located in the five major parcels throughout the State of Maine.

Mr. ATKINS. We have your map here, and certainly, as somebody coming from Massachusetts, just to the south, I am quite familiar with the distances and the difficulties you have in maintaining the ranger service on that land. This Committee will look very closely into both your issue of fire protection and also into your wildlife and parks situation.

Ms. NEPTUNE. Okay. For fiscal year 1991, BIA has allocated $45,400 to our tribe for these efforts where we know we need over $200,000 in addition to what they are giving us today. So basically, you know, our needs are in two urgent areas right now.

Thank you for your attention to these important issues. We hope that you can help us out.

Mr. ATKINS. Thank you very much. We'll look into those. Thanks.

[The prepared statement of Ms. Neptune follows:]

Governor
Robert Newell
Lt. Governor
Jeannette Neptune
State Representative
Joseph Nicholas

Indian Township
Tribal Government
Passamaquoddy

Box 301, Princeton, Maine 04668, Tel. (207) 796-2301

Council Members
Basil LaCorte
Darrell Newell
Darryl Nicholas
Phyllis Saunders
Simon Sockabasin
John Stevens

TESTIMONY OF THE PASSAMAQUODDY INDIAN TOWNSHIP TRIBAL GOVERNMENT OF THE STATE OF MAINE ON THE FISCAL YEAR 1991 INTERIOR APPROPRIATIONS BILL

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE INTERIOR AND RELATED AGENCIES

MARCH 14, 1990

Testimony of the Passamaquoddy Indian Township Tribal Government on the Fiscal Year 1991 Interior Appropriations Bill

My name is Jeannette Neptune, I am the Lt. Governor of the Passamaquoddy Indian Township Reservation located near Princeton, Maine. I appreciate the opportunity to represent the people of our reservation and be allowed input into the formulation of the Fiscal Year 1991 Interior budget. Today I will address the two most important funding issues to my tribe. They are Community Fire Protection and Wildlife and Parks Protection.

1) COMMUNITY FIRE PROTECTION

The Indian Township Reservation of the Passamaquoddy Tribe is located in a rural area of Maine. The reservation proper (as opposed to newly acquired trust lands) consists of two major population centers -- "The Strip" and Peter Dana Point -- which are six miles in distance apart. Halfway between these two centers is a small cluster of residences known as "The Corner." Indian Township is located in about the geographic center of eight communities with a total population of about 2330. There are 23,000 acres of land at Indian Township.

This request addresses Indian Townships priority need to provide a level of public safety services, specifically fire fighting, that does not currently exist on the reservation. The totally inadequate level of protection that now exist shows the serious and urgent nature of this problem.

The reservation has experienced rapid population growth, with its on-reservation population rising from 384 in 1978 to 900 in 1989. An increase of over 100 per cent. In the same period the reservation has increased its housing stock by 118 units. We have constructed a recreation center, a tribal office building, a grocery store, a primary school and a bingo hall. Within the next fiscal year a new industrial building housing two tribal enterprises and 30 more family units will be built.

The Indian Township Tribal Government has trained and staffed the fire and rescue departments the last two years at the cost of $265,678. We have run out of financial resources with which to fund this department on a round-the-clock basis or to purchase a fire truck that will adequately service the community with a minimal level of public safety services.

The only on-reservation fire protection consists of an inoperable fire truck (that has recently gone completely out of service), stored in the tribal Forestry Building at the farthest end of the reservation at Peter Dana Point. Two other old trucks are housed at the fire station off the reservation in the neighboring town of Princeton as we have no fire department building. There have been three (3) fire-related deaths, all involving children, on the reservation in recent years. The

reservation has the lowest fire safety rating possible from insurance underwriters. The reservation has three full time firemen, including a fire chief. The above referenced on reservation truck - a 1965 International brush truck with a 300 gallon tank - even when running, is not recognized by Maine State Insurance Underwriters as a legitimate fire truck. Other fire trucks that we have access to are almost equally as dilapidated, including one that is 35 years old, and are housed in Princeton at that community's fire department garage. These trucks are also not recognized by insurance underwriters as legitimate fire-fighting trucks.

Presently, then, when a fire is reported the firemen must travel from their office at the Forestry building (Peter Dana Point) about seven miles distant to Princeton in order to access their two operating trucks. If the reported fire is at Peter Dana Point, they must get a truck and then travel back another seven miles to that community cluster. The average response time through this current system is 15 minutes. Clearly this is an inefficient system. The fact that it is also ineffectual is evidenced by the high incidence of fire-related deaths on the reservation in the last seven years. To wit: of 393 fires reported to the Princeton Fire Department since 1980, over 131, or 33 per cent have been located on the reservation; of four fatalities in the nine communities of the region, three of these deaths occurred on the reservation. All three of these deaths were children under the age of eight.

The unusually high incidence of fires, and especially of fire-related deaths, is a major concern of Tribal government and of the general reservation population. Indian Township does have Mutual Aid agreements with the towns of Princeton and with Grand Lake Stream, whereby the three communities agree to assist one another with fire suppression activities. However, neither Princeton nor Grand Lake Stream have full-time fire departments; neither community has adequate fire fighting equipment to support more than their own fire needs (Princeton has only two trucks and Grand Lake has only two); and the response time of Grand Lake Stream is 30 minutes. There are seven fire trucks within the area. Of these only one is recognized by Maine State Insurance Underwriters, and this one has a 30 minute response time.

In Maine, all communities are rated for insurance purposes by the Maine State Insurance Underwriters, which is a branch of the Insurance Services Office (ISO) of Massachusetts. The ISO uses a rating system of 0-10 with 0 being the rating given to the most protected communities, i.e., those with a fire station, full time fire department, fire hydrants, etc. A rating of 10 is given communities with virtually no, or with totally inadequate fire protection, i.e., those with no fire station, no full time department, no (or inadequate) fire fighting equipment, etc.

Indian Township has a rating of 10 from the ISO, indicating it has virtually no recognized fire protection from the standard of this agency. Significantly, Princeton, the nearest neighboring community to the reservation has a rating of only 9. For comparison purposes, the following presents the ISO Fire Protection ratings of a selection of Washington County communities:

Community	Population	Fire Protection Rating
Indian Township Reservation	900	10
Princeton	994	9
Pleasant Point Reservation	553	9
Woodland	2139	8
Calais	4300	6

The Passamaquoddy Tribe's insurance agent has indicated that if the Tribe builds a new public safety building, including a fire station, and purchases new fire trucks, our Fire Protection rating could be lowered as much as 5 points.

The need for improved fire protection was illustrated recently when a house was destroyed in a conflagration which could have been controlled had adequate fire suppression services been in place. Unfortunately, the fire trucks we access to had insufficient capacity to fight the fire,and it took over one hour for an adequate fire truck to arrive from Grand Lake Stream. This is only a recent example of what is a regular problem. But, the example is illustrative and begs the question: How could the reservation respond to a larger multi-structure conflagration if it cannot even handle smaller single home fires? It also raises serious issues of public safety.

To respond to this problem, the Tribal Government needs to order a new fire truck. Enclosed is a proposal from a well known fire equipment company in Vermont for a 1988 Ford C-8000, with a 2000 total gallon capacity, fully equipped at a cost of $120,800. There is clearly a need, however, for a fire station in which to house and maintain the new as well as the previously referenced older trucks. Because they now need the space, the town of Princeton has indicated that the older trucks housed in their facility can no longer be kept there. The costs of a fire station is projected at $550,000.

We also seek the Committee's assistance in determining how much money the BIA is giving to the state of Maine each year for forest fire suppression and pre-suppression and why the Bureau will give these funds to the state and not to the tribe.

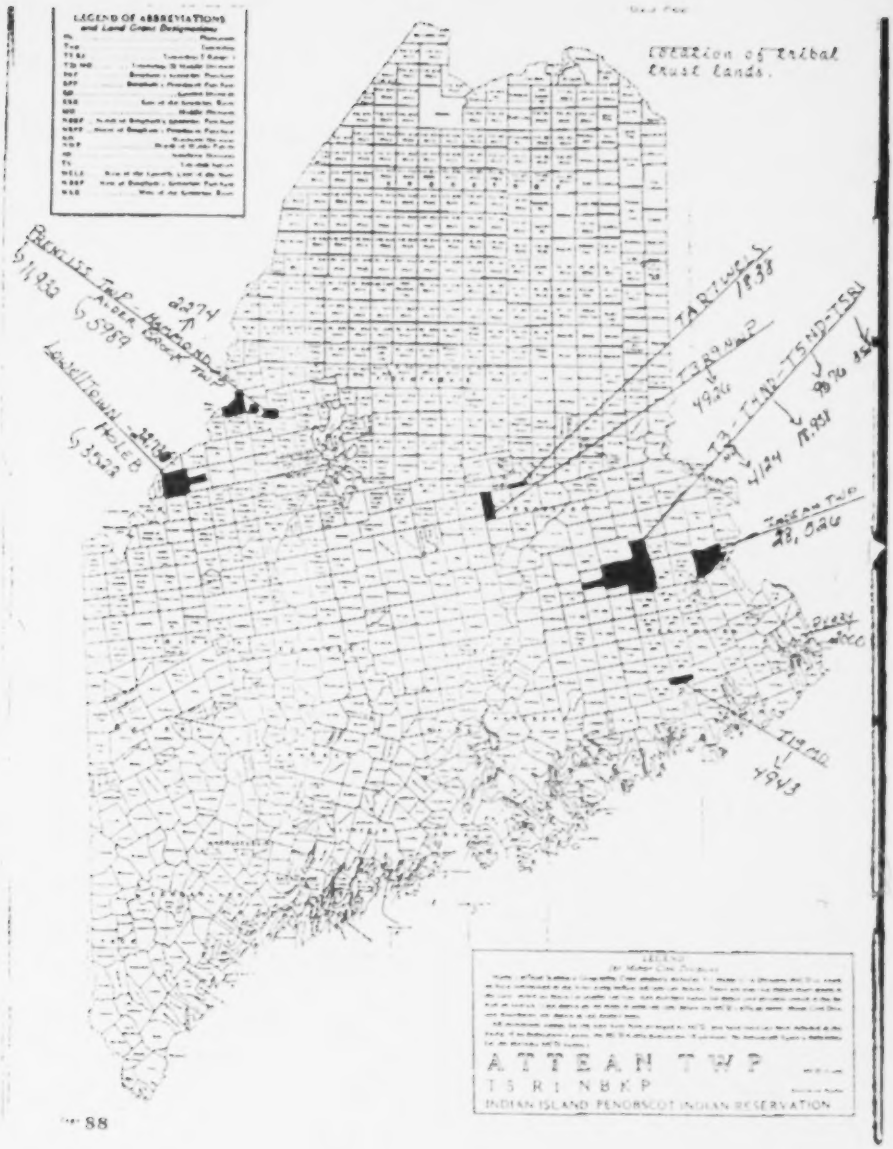
2) WILDLIFE AND PARKS - RANGER SERVICE

Since the settlement of the Maine Indian Land Claims case in 1980 the Tribe has acquired almost 150,000 acres of lands, mostly wilderness, located in five major parcels throughout the State of Maine. These land areas are known at Jackman, Springfield, Millinocket, Lowelltown and Prentiss. While these lands are a tremendous asset to the Tribe, in terms both of heritage as well as access to the land, they also are a huge responsibility. The Tribe is responsible for protection and services in these areas including patrolling these lands for categories as varied as fish and game enforcement for both non-tribal members and members, forest fires prevention and suppression, issuing permits for camping, prevention of illegal cutting of trees and search and rescue.

The Tribe presently has only four full time Rangers and two part time Rangers who provide these services and who are cramped into a single room at the police department when not on the road. The space is wholly inadequate for the number of staff it serves and for the mapping and other supplies required by the Rangers. These Rangers must serve a vast area of land in six different counties. To put it in political terms, our congressional district is the largest east of the Mississippi River. In geographical terms, the distance from Indian Township to Jackman is 225 each way. Once there, the Jackman area, on a square acre basis when combined with the neighboring areas of Lowelltown and Prentiss, (which are each 16 additional miles from Jackman), has a total acreage of 94,000 acres on which we patrol 50,000 acres. It is 100 miles each way to Millinocket from Princeton and there are over 6,000 acres to be patrolled there. There are old logging roads in many of these areas that are completely unmaintained and which are almost impassible during many months of the year. All of our rangers must drive four wheel drive vehicles and they put so many miles on them and in such adverse conditions that we are lucky if we don't have to replace them annually.

To fund the costs of this clear trust responsibility the BIA for FY 89, and again in FY 90, has allocated a mere $45,400 to our tribe for these efforts. In FY 89 we doubled that figure with tribal dollars alone by placing $210,000 of our own money into this program. We can not afford to do this again in FY 90 and the $45,400 that has been allocated will run out at the end of May, 1989 and we will be forced to lay off these wardens. We need the Appropriations Committee to fund this program at the least in the amount that we have been subsidizing its operation, ($45,400 plus $210,000 from the tribe).

Thank you for your attention to these important issues and we hope that you can help us out.


LEGEND OF ABBREVIATIONS
and Land Class Designations
Location of Retail
trust lands.
PRENTISS TWP
ATTEAN TWP
ATTEAN TWP
T5 R1 N B K P
INDIAN ISLAND PENOBSCOT INDIAN RESERVATION

88

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

VERNA WILLIAMSON, GOVERNOR; PRESENTED BY ALVIO LUCERO, PRESIDENT OF THE COUNCIL, PUEBLO OF ISLETA

Mr. ATKINS. Pueblo of Isleta?

Mr. LUCERO. Thank you, Mr. Chairman. I'll start talking so I don't lose my five minutes.

Mr. ATKINS. You have five minutes.

Mr. LUCERO. Mr. Chairman and members of the committee, thank you for the opportunity on behalf of the Pueblo of Isleta to comment on the concerns and the needs of my Pueblo and native Americans nationwide.

We have six items listed in our testimony here, however, Mr. Chairman, to save time I will highlight them only. On the Bureau of Indian Affairs, we are requesting on the projects for the native American woodlands management program $578,500. We have a comment on the BIA Indian trust fund and request the repair of concrete line ditches for the amount of $119,000.

Under the Indian Health Service, we are requesting expansion of the Isleta Health Clinic for an amount of $225,000, contract health care for $100,626, and to increase our Isleta dental program by an amount of $103,917.

On the woodlands project, in the Albuquerque area alone, for their fiscal year 1990 project, they need an amount of up to $727,409. For fiscal year 1991, the project needs an amount up to $570,500. The other BIA areas need funding to initiative much-needed projects. Without additional funds added to the current budget, this 1991 funding will not have any meaningful effect.

Under the Indian trust fund, we are requesting that the General Accounting Office conduct an audit to ascertain the actual losses and provide tribes the audited reconciled balances, and that the tribes be notified of their actual losses, and that the BIA be held responsible for appropriate compensation for such losses, principal and interest.

Three, that individual tribes be given an opportunity to assume responsibility for investments and management of their own funds through the use of competent, custodial, and investment advisors available in the private sector.

Mr. ATKINS. Let me just suggest that the Indian trust fund has been a great concern to this committee. We have blocked them from using outside contractors until they reconcile the funds. We will be questioning them on that issue when they come before the Committee.

Mr. LUCERO. Thank you very much.

On the irrigation project, we have got a comment on it, but what I want to highlight is that estimated costs to repair the identified section are $25 per foot for a total cost of $75,000. In addition, there is a need to replace 500 sliding galvanized gates and turnouts for an estimated cost of $44,000. Total concrete liner rehabilitation

costs, including replacement of all galvanized sliding gates and turnouts, is $119,000.

On the expansion of the health clinic, we are requesting $225,000. We are trying to expand the clinic 2,800 square feet and the parking lot also. We are also, as the requirement is, Mr. Chairman, requesting the Congressional approval to expand the Isleta Health Clinic and the continuation of the lease agreement to the Indian Health Services as part of the requirement in the law.

On the contract health care, the RAM methodology used doesn't coincide with the actual services needs due to the number of patients receiving services who have not been included in the RAM process. This problem is intensified by the servicing of urban Indians which results in the faster depletion of available funds.

The hospitals and clinics program, which is the 0101, is projected to be in a deficit for fiscal year 1991 in the amount of $727,000. It is assumed that Medicare and Medicaid will make up the difference, which still leaves a $100,000 deficit, Mr. Chairman.

On the dental program, on the very last page, we have the budget breakdown. Every year our dental allocation is $97,600. That does not take into consideration the cost of living, the increases in cost for supplies and medicine, and we estimate an inflationary cost each year. The total difference that we are asking for, for that portion of the budget is $69,977 which includes the additional funding for an additional dentist, a dental assistant, and a dental hygienist. We are also making a request for money to take care of some of the backlog that the dental program in Isleta Pueblo has. That comes to $33,940 for a total cost of $103,917.

Mr. Chairman, that is the request for the Pueblo of Isleta, and we—Mr. Juan B. Abeyta, who is the vice president of the tribal council, Sef Lente, the tribal treasurer, and myself, president of this tribal council, want to thank this committee for giving us the opportunity to appear before you and make our request for the Pueblo of Isleta.

Mr. ATKINS. All right. Thank you very much. Your request is very precise. We'll look at it and do what we can. I just want to let you know that I have a personal interest in your woodlands management. I used to camp there when I was young. It's beautiful country.

Mr. LUCERO. Thank you.

Mr. ATKINS. We hope that you are able to preserve it and protect it.

Mr. LUCERO. We'll invite you back, sir.

Mr. ATKINS. Thank you.

Mr. LUCERO. Thank you very much.

[The prepared statement of Mr. Lucero follows:]

Office of the Governor

Telephone
(505) 869-3111
(505) 869-6333

PUEBLO of ISLETA
P.O. Box 317
Isleta, New Mexico 87022

STATEMENT OF ALVINO LUCERO
President of the Council
PUEBLO OF ISLETA, NEW MEXICO

before the HOUSE APPROPRIATIONS SUBCOMMITTEE
for the DEPARTMENT OF THE INTERIOR & RELATED AGENCIES
on the FY 1991 Budget

March 14, 1990

Mr. Chairman and member of the Committee, thank you for the opportunity, on behalf of the Pueblo of Isleta, to comment on the concerns and needs of my Pueblo and Native Americans, nationwide. Isleta Pueblo is located approximately 13 miles south of Albuquerque, New Mexico and has a membership count of 3,677. My testimony today will focus on six topics of critical concerns to us and on issues that have an impact on Native Americans and they are as follows:

BUREAU OF INDIAN AFFAIRS:

	PROJECTS:	FUNDING NEEDS:
1.	Native American Woodlands Management	$578,500
2.	BIA Indian Trust Fund	-0-
3.	Repair of Concrete-lined Ditches	$119,000

INDIAN HEALTH SERVICE:

	PROJECTS:	FUNDING NEEDS:
4.	Expansion of Isleta Health Clinic	$225,000
5.	Contract Health Care	$100,626
6.	Isleta Dental Program	$103,917

NATIVE AMERICAN WOODLANDS MANAGEMENT

For many years, the Bureau of Indian Affairs had focused all forestry management only on Commercial Timber without regard to another forestry resource available on Native American Reservations throughout the United States. This resource is what is known as fuelwood and comprises the following: Pinon-juniper, Juniper, non-timber oak, Riparian, Mesquite, Aspen, and Sabal Palm. As a result of meetings between Native Americans and the Bureau of Indian Affairs concerning this resource, a study was initiated and resulted in a document assessing the Resource potential and Management needs.

This study was completed in June, 1988 and the following is a summary of the FINDINGS:

- There are 8,369,260 woodland acres and compares to 6,346,127 timberland acres.
- None of the woodland are currently addressed within forestry management plans.
- Woodland inventory information is lacking across the Country.
- Current harvesting and land management is generally without silvicultural direction or environmental clearance.
- The Southwest is the focal point of woodland holdings. (91%) The research indicated that $38.8 million of benefits are realized from woodlands each year.
- Future economic development must generally focus on product marketing.
- Archeological survey and clearance is essential within woodlands.
- There is no current resource personnel available to conduct resource inventories, management planning, nor stand treatments.

The RECOMMENDATIONS were:

- The BIA should develop a program to manage Native American Woodlands. A minimal annual program cost of $3.05 million is anticipated and should be above current Forestry appropriations.
- Marketing studies for woodland products should be initiated.
- Local landowners and resource managers should begin the process of environmental fact finding to facilitate Reservation resource management planning. Woodland planning should be incorporated within overall forest management plans with inter-disciplinary planning emphasized to produce coordinated plans.

Isleta Pueblo has, on previous occasions, testified on the importance of this resource. The U.S. Congress in their 1990 budget included as an add-on to the BIA forestry budget the amount of $500,000 to initiate a Woodlands Management Program. The $500,000 was later reduce by $26,000 due to P.L. 99-177. Of the remaining $474,000, $300,000 was directed to Area Offices and $174,000 was retained at Central Office to be made available for Tribes to contract for fuelwood projects. In the Assistant Secretary's testimony on the 1991 budget appropriations, BIA-153, the Bureau of Indian Affairs is not requesting funds for Woodlands Management. It is very important to make available funds for projects nationwide. In the Albuquerque Area alone, the FY 1990 project needs an amount up to $727,409 and FY 1991 project needs an amount up to $578,500. Other BIA Areas need funding to initiate much needed projects, and without additional funds to the current Forestry Budget, this 1990 one-time funding will not have any meaningful effect.

BUREAU OF INDIAN - INDIAN TRUST FUND

The U.S. Department of the Interior's Audit Report by the Inspector General, (Reference: Office of IG Audit Report, Report No. 89-117, September 1989) on Indian Trust Funds has revealed monies lost and/or unaccounted for through improper action by the Bureau of Indian Affairs. Identified amounts are $17 million, by the Inspector General or $19 million by an independent accounting firm. Documented losses include $2.4 million in "overnight" Treasury interest; months of delay in paying to Tribes trust funds owed to Tribes; over-payment to Tribes followed by refund demands after the Tribes had made commitments for use of the funds; and outright fraud in the handling of Indian Trust Funds by some banks and credit unions.

Furthermore, nearly all federally-recognized tribes are in jeopardy of having upwards of 2,000 tribal trust fund accounts transferred, without their expressed permission, by BIA to Security Pacific National Bank. This contract has been delayed by congressional demands that BIA not transfer tribal trust fund accounts prior to completing third-party, audited reconciliations of these accounts that affect more than 275 tribes nationwide. The Pueblo of Isleta acknowledges the Federal Government's responsibility for prudent trusteeship of these accounts. The federal government is obligated to accurately and fully account for Indian Trust Funds, to properly discharge all of its fiduciary responsibilities, and to maximize the Trust income by prudent investments and management. Yet, year after year, report after report has disclosed an appalling array of management and accountability failures of this Trust obligation. OIG and others estimate these tribal trust fund losses between $17 and $80 million. Yet, BIA's insistence on transferring the 2,000 trust fund accounts to the Security Pacific National Bank, without first accomplishing the congressionally mandated account reconciliation audits, and without gaining Tribal permission for this still-proposed transfer, further compounds this serious problem.

The Pueblo of Isleta request the following:

- That the General Accounting Office (GAO) conduct an audit to ascertain the actual losses and provide Tribes the audited reconciled balances. This immediate congressional action is necessary to prevent the transfer of the 2,000 tribal trust fund accounts, prior to audited, reconciled account balances being provided the 275 tribes nationwide.

- That Tribes be notified of their actual losses and that the BIA be held responsible for appropriate compensation for such losses (Principal and Interest).

- That individual Tribes be given an opportunity to assume responsibility for investments and management of their own funds through the use of competent accounting, custodial and investment advisors available in the private sector.

REPAIR OF CONCRETE-LINED IRRIGATION DITCHES
Isleta Irrigation Project

The members/farmers of Isleta Pueblo maintain their livelihood through subsistence farming and employment in Albuquerque. The total land base of the reservation of approximately 211,026.32 acres. The potential size of agricultural lands is 6,195 acres of which 4,570 acres is flood irrigated. The 1989 crop report show that 883 acres are idle. The explanation for this idle land are the economics of farming, off-reservation employment and irrigation problems. These problems are: improper irrigation due to leaking turnouts; high water tables; and various other problems.

Much progress has been accomplished due to the Pueblo acknowledging the fact that farming has been done by our ancestor for many years. The Pueblo currently is using highly technical practices in agriculture, such as: lazer level for better use of water, crop rotation to gain the use of crop generated fertilizers, and the use of concrete-lined ditches to avoid seepage which creates high water tables. In 1965, the Pueblo/BIA concrete-lined several miles of irrigation ditches. These ditches are currently showing much deterioration due to use, weather, and age. The need to repair these deteriorated ditches cannot be met by the annual BIA funding. There is a need to replace 3,000 feet of concrete lined sections and will include the following work: removal and disposal of damaged sections; backfill; compact; reshape; form; placing concrete; remove forms and backfill behind placed concrete. The estimated cost to repair the identified sections is $25.00 per foot for a total costs of $75,000. In addition, there is a need to replace 500 sliding galvanized gates and turnouts for an estimated cost of $44,000. The total concrete line rehabilitation cost, including replacement of all galvanized sliding gates and turnouts is $119,000.

EXPANSION OF ISLETA HEALTH CLINIC

The Isleta Health Clinic is located on the Pueblo and is served by the Albuquerque Service Unit. This facility was constructed by Isleta Pueblo in 1975 and a lease contract was initiated to lease the facility to the Indian Health Service. This lease is still in effect and is up for renewal this year. This lease was entered into in 1975 and our review of the Contract indicates that the monthly rental fee has never increased to accommodate costs throughout the years. The Albuquerque Service Unit and the Isleta Health Center provides health services to the 3,677 members of Isleta Pueblo. In addition, eligible Indians from other reservations are also served when a need arises.

The health care needs among Native Americans nationwide has become a concern to Tribal leadership. The Isleta Tribal Council is concerned that our people are not receiving adequate and comprehensive health care as a result of inadequate funding; increased health care needs; increased patient workload; inadequate staffing and poor administration of funding. This increased patient workload also has contributed to the space needs of our current facility; making evident the need for additional space to be constructed for the Health Clinic. An analysis of the patient control log at this Health Clinic indicates that an average of 1,000 patients were served within a six months period ended February, 1990. In addition to the utilization of space by the medical personnel, Isleta Pueblo will house the Community Health Program in this facility to accommodate the coordination of health needs of the Tribal members. The following is a breakdown on the costs:

- Expansion by 2,800 square feet the existing clinic @ $73.22 a square foot $205,000
- Paving of parking lot, 16 cars, 1468 sq. feet 20,000

Total cost $225,000

ACTION NEEDED:

- Funds of $225,000 to expand Isleta Health Clinic.
- Congressional approval to expand the Isleta Health Clinic and continuation of lease agreement to the Indian Health Service.

CONTRACT HEALTH CARE

For the past decade, there has been a serious decline in the direct delivery of health services provided by the Albuquerque Service Unit. This decline has resulted in a serious problem since referrals are made to other non-Indian hospitals and without Contract Health funds, no service is delivered to the patient.

The Pueblo of Isleta is seriously concerned that the Federal Government is not maintaining its responsibility to provide for the comprehensive health care of the Indian people as mandated in the Snyder Act 25 USC, Chapter 1, Section 13. Based on our findings, there will be a shortage of funding to provide adequate health care at the Albuquerque Service Unit.

The Isleta Health Clinic has discontinued dispersing needed medication. The majority of our people fall below the poverty level and cannot afford the cost of medicine.

Contract Health Care funds include funds to cover the cost of medical care not available through the Albuquerque IHS hospital. This includes primary care such as pre-natal and OB care, analysis, eye care and other necessary surgery.

The Resource Allocation Method (RAM) used to determine funding does not coincide with the actual service needs due to the number of patients receiving services who have not been included in the RAM process. This problem is intensified by the servicing of urban Indians which results in the faster depletion of available funds.

Another factor is top-heavy administration at the Area and service Unit levels. A reorganization of top level employees need to be initiated with a reduction in force and the savings should be directed toward Health Services.

The Hospital/Clinics (01.01) is projected to be in a deficit for FY-91 in the amount of $727,982. It is assumed that Medicare and Medicaid will make up the difference of $627,356, which leaves a projected deficit of $100,626. We request that this deficit be covered through increased funding by that amount to the Albuquerque Service Unit.

ISLETA DENTAL PROGRAM

The Pueblo of Isleta is interested in maintaining a strong and diversified Dental Program that will not only emphasize high quality dental care and follow-up for its patients but that will also stress the importance of preventive care. There exists a substantial need to educate our community on the neccessity of individual good dental care that includes initiating hands-on projects to better the overall dental care of the Pueblo. It is the commitment of the present Dental Program to plan and deliver such dental services to the Pueblo and its people.

Since its inception in 1986, under PL93-638, the Isleta Dental Program has sought to meet the ever increasing demand for dental services within the Pueblo. An analysis report of the needs of the Dental Program has just been completed on March 9th, 1990. The following is a summary of the report's findings:

- An increase in Program responsibilities which include: infection control procedures, a school sealant program, OHSA's standards for environmental safety, data entry for a computerized record keeping system, an increasing demand for dental services.

- The importance of maintaining existing clinic and community programs which include: water fluoridation, school fluoride mouthrinsing, Baby bottle tooth decay BBTD program, Headstart and school classroom education, medicare and medical insurance programs.

- The significant need for the restoration of the hygiene program to 2 to 3 days per week. Over the past year the contract hygienist has been reduced to 1 to 0 days. Currently the Program is without a hygienist since the first week of February 1990. Due to a minimal staff and a high demand for general dental services the general dental program cannot absorb the hygiene patient load. Hygiene services is an essential component of a quality oriented and preventive conscientious dental program.

- Thus far, for current and past years, there has been no allowances for inflationary income nor for actual projected supply costs which exceed the budgeted amount. There has been no consideration to the vital need for the replacement of out-dated dental tools or those in need of repair nor for the purchase of technilogically advanced tools. In December of 1989 a budget modification was submitted to IHS requesting that the unused carry over funding from previous program years be utilized to purchase tools to replace the the out-dated dental tools and for inflationary salary increases.

- The current budget does not reflect an allotment for inflationary nor tribal administrative costs. In addition, the current budget lacks incentives for the recruitment and retainment of an adequate Dental staff since at the present time there lacks a benefit package that is even close with the private sector.

- These budget constraints coupled with a fixed staff size and a fixed time schedule hinder effectiveness of the Dental Program at Isleta. Currently, the clinic is scheduled 4 weeks ahead with patients. There are 90 recall patients to be scheduled and approximately 70 patients on a waiting list. The Program has approximately 3500 active patient files and the daily patient load needs to average 16 or more which is considerably more than IHS's maximum expected standard of 10 patients/day. In addition, at the present time the clinic staff is doing its own computer data entry. All necessary data has not been imputted into the computer due to inadequate staffing.

- The following is a scenario of actual budgeted amounts versus actual needs due to inflationary costs.

	Actual Funding	Appropriate Budget	Difference
Contract Amount		$ 87,600	
Supplies/allocated @ no cost		9,000	
CHR dental position (Hygienist)		10,000	
Dec. 1, 1986 - Nov. 30, 1987	$ 97,600	$106,700	$ 9,100
+ 3% inflationary increase		3,200	
+ 6% tribal administration costs		3,400	
Dec. 1, 1987 - Nov. 30, 1988	$ 97,600	$113,300	$ 15,700
+ 4% inflationary increase		4,532	
Dec. 1, 1988 - Nov. 30, 1989	$ 97,600	$117,832	$ 20,232
+ 4% inflationary increase			
Dec. 1, 1989 - Nov. 30, 1990		4,713	
	$ 97,600	$122,545	$ 24,945
Total Difference			$ 69,977

Additional Funding--Program Expansion

Additional dentist, 1 day/week		
$226/day x 50 days	$11,300	
Dental Assistant, 3 days/week		
$7.20/hour x 1200 hours	$ 8,640	
Dental Hygienist, 2 days/week		
$140(includes fringes) x 100 days	$14,000	33,940
Total Difference including Additional funding		$103,917

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

GILBERT LUCERO, GOVERNOR, PUEBLO OF ZIA
PETER KINO, TRIBAL ADMINISTRATOR
MARK HEARST, COUNSEL

Mr. ATKINS. Pueblo of Zia? Do you have a statement?

Mr. HEARST. Yes, I do.

My name is Mark Hearst, the counsel for the tribe. We have prepared 15 statements each.

Mr. ATKINS. Okay. We're all set. Go ahead.

Mr. LUCERO. Mr. Chairman, my name is Gilbert Lucero, the governor from Zia Pueblo, New Mexico. To my left is Peter Kino, our tribal administrator. I'd like to have him discuss the first issue that we're here for.

Mr. KINO. Mr. Atkins, the one issue that we have come forward to you today to present is that Pueblo Zia is located 35 miles northwest of Elkford, New Mexico, and we are seeking appropriated funds which will provide the replacement of our diversion dam and our cycling system which serves our pueblo's irrigation system.

The present estimate of the BIA engineers totals $1,316,500, $835,000 for the dam and $481,500 for the flume which would replace the siphon system. This fund should be designated for the BIA budget project construction account for irrigation systems.

Two years ago, we came to you in Washington, D.C., talked with the BIA central staff, talked with our Congressional representatives, and at the time, the estimated cost of the project was $1,150,000. Within two years, it has risen by $166,500 by the inflation factor.

On February 15, 1989, the Elkford Tribune made it public information that the BIA had authorized the projects to proceed. Senator Bingamin's office announced that the funds were available, but the projects were never completed. The funds never came down to the local level. At this time, we request your assistance in making available the $1,316,500 for the two projects.

Mr. ATKINS. Do you know where you fit on the BIA list of priorities?

Mr. PARRISH. There's only one dam new construction project listed for fiscal year 1991, and it is not—it is a half million dollar on the Flathead reservation. We're not listed in the fiscal year 1991 budget.

Mr. ATKINS. That's in the budget, but they also have a list. They fund very few of these things in the budget, as I'm sure you're aware. They also have a list at the BIA that they keep of priority for these water projects.

Mr. KINO. As far as the Albuquerque area, the word is "go" for them. We have approximately $180,000 for that. I understand that the Albuquerque office could do the project, but the project is going to take quite a bit more than that. As I indicated earlier, it is going to take $1.3 million to do the project.

Mr. PARRISH. I would say it's a matter of "the operation was a success, but the patient died." We have been scheduled for this for a couple of years, but it dies. It doesn't get done, so we're asking Congress to step in and spell it out to the BIA.

Mr. ATKINS. We'll take a look at it. I'm not familiar with all of the details there, and I thank you for bringing this to our attention.

Mr. LUCERO. Okay. The other critical issue that we are here for, Mr. Atkins, is the new school construction. Congress, in 1988, authorized Zia Day School to expand. We are operating now with K through 6, but Congress authorized the 7th and 8th grade expansion. It is in the Federal Register as far as the Public Law 100-297, April 28, 1988, is concerned, authorizing this. The project will take approximately $3.6 million to get the construction going

About a year ago, the priority list or priority ranking took place, and the Zia Day School was ranked number two. About six months later, we were made aware that we went from the number two to the number five spot.

Mr. ATKINS. Do you know why you were dropped?

Mr. LUCERO. We don't have any idea, but we'd like to find out why. The main thing is that the language is in the Federal Register. I think it wasn't carried through at all, but it does indicate that the Zia Day School could go ahead with that expansion. We're close to that two-year mandate that it calls for in here. As a matter of fact, you know, it will be next month.

Mr. ATKINS. The children are presently in the local public schools?

Mr. LUCERO. Yes, they are.

Mr. ATKINS. And you would serve, if you made the expansion, Santa Ana, too?

Mr. LUCERO. Well, they showed some interest. The parents who learn about this school going up are interested. I don't know what reason they have. You know, they have the public schools that are available to them, but one of the main things that I like to think is that our school will be successful with the present K through 6. That was one of the main reasons that we requested to expand to 7th and 8th grades. We have had tremendous success with that school. If you wish, I could give you other information.

Mr. ATKINS. If you could supply that for the record that would be helpful.

Mr. LUCERO. Okay.

Mr. ATKINS. Thank you very much. Thank you especially for your brevity. You actually went under your five minutes.

[Material was not supplied to the Subcommittee at the time of printing.]

[The prepared statements of Mr. Lucero follow:]

PHONE (505) 867-3304

PUEBLO OF ZIA

IN REPLY REFER TO:

SAN YSIDRO, NEW MEXICO 87053

STATEMENT OF GILBERT LUCERO, GOVERNOR, PUEBLO OF ZIA,
REGARDING ZIA DAY SCHOOL

The Pueblo of Zia is seeking appropriated funds which would provide for a new day school facility on the reservation. The funds required, $3.6 million, should be included in the BIA Budget for Education Construction Projects. Congress in 1988 authorized this new construction in order to expand the school to include kindergarten through grade 8 (P.L. 100-297). Last year, in the rating system sponsored by the Bureau of Indian Affairs, Zia Day School was ranked second in priority and, with a second place ranking, would clearly have been eligible for construction. As the result of a ranking later done by the Bureau of Indian Affairs Central Office, Zia Day School fell from second place to fifth place and, of course, was not slated for construction. It is noted that, in the BIA 1991 budget, two schools are designated for construction--one in North Dakota and one in South Dakota. The BIA budget recently submitted shows about $1.5 million less for construction for education facilities than was budgeted for the previous year.

As Governor of the Pueblo of Zia, I am making the request that specific funds be appropriated for the construction for Zia Day School. The Pueblo is most pleased to provide the additional service to our children and parents by adding the 7th and 8th grades to our school. The nearby Pueblos of Santa Ana and Jemez would also have the option of having their young students attend the 7th and 8th grades at Zia Day School. In order to make this expansion possible, new and additional buildings and facilities are required. The Executive Summary prepared by the Albuquerque firm of David N. Sloan

and Associates, contracted under Facilities Management and Construction, recommended construction of a K-8 replacement school and, in order to qualify for a new school, students must be "unhoused." If 7th and 8th grade students are approved for Zia Day School, these students will be "unhoused" because the current site cannot accommodate the additional facilities required. To accommodate the present student population as well as the added grades, the 64-year-old building (called unsafe by LIA Facilities and failing to meet OSHA standards), together with the several temporary classroom buildings, must be replaced and the facility enlarged.

We believe that the approval of Congress in 1988 was a recognition of the successes of our school. The results of the education program which the local school board and the current administration of the school have developed indicate that, when they began, the majority of our students performed well below national averages. Now, the information from the Zia Day Schoc Board and staff shows that the gap has been closed in basic skills areas. The average performance for all students in the Day School shows that our students are now performing at the national average for students their age. A number of our students perform above the national norms. Lack of funds and facilities would quite possibly make this success only temporary.

Our Pueblo is remote, being located 35 miles northwest of Albuquerque, the metropolitan area in New Mexico. Our children require, and we demand, good quality educational services. The appropriation of the needed funds now would be cost effective, efficient, and would go a long way toward the United States' fulfilling its special responsibility toward the Indian people. The school will require a minimum of six acres, which will be provided by the Pueblo of Zia.

PHONE (505) 867-3304

PUEBLO OF ZIA

IN REPLY REFER TO:

SAN YSIDRO, NEW MEXICO 87053

STATEMENT OF GILBERT LUCERO, GOVERNOR, PUEBLO OF ZIA, REGARDING DIVERSION DAM AND SIPHON PROJECT

The Pueblo of Zia is seeking appropriated funds which would provide for the replacement of the diversion dam and siphon system which serves our Pueblo. The present estimates by BIA engineers for the total cost are $835,000 for the dam and $482,500 for the flume (to replace the siphon system), for a total of $1,316,500. These funds should be designated for the BIA Budget, Project Construction, Construction Account for Irrigation Systems.

Zia has a population of 720 members and is located 35 miles northwest of Albuquerque. As with other Pueblos, farming is an integral part of our life. The Zia people have been irrigating, diverting water from the Jemez River, a tributary of the Rio Grande, for centuries; the Zia people continue to do so today. This practice is not merely one of tradition, although it is certainly that. Many of our families rely on irrigated farming to aid in their sustenance, as well as to supplement the family income. Zia is laying the groundwork for economic development but, because of its isolated location, many tribal members must commute to preserve their livelihood, and farming and cattle raising remain and will remain for the future significant enterprises for tribal members.

In the last dozen years, the diversion and siphon, structures critical to our irrigation system, have been badly damaged and soon will be completely destroyed. If either structure were lost, irrigation would be impossible. If either structure were to wash away, the irrigated farmlands for the Pueblo would be without water for an

indefinite period of time. Additionally, if the dam itself is destroyed, it will affect the flow of the river and will endanger a new highway bridge which crosses the river and do other damage to the highway structures.

The existing dam was built in 1937 by the Bureau of Indian Affairs. Since the time of its construction, the riverbed has eroded to the depth of the siphon, originally buried 9 feet beneath the river bottom. It is inevitable that the continuing erosion will result in the pipe being washed away, and any attempts to save the siphon pipe are only temporary. Various repairs on the dam have been made throughout the years, and the BIA has temporarily repaired the structure by adding rock-filled wire baskets. This stabilization, however, has failed, and the present condition of the dam is precarious. It could be destroyed at any time without warning. BIA engineers strongly recommend that the new dam be constructed of concrete and steel and expanded in size. This new construction would provide a permanent facility and one which will not have to be repaired constantly. To build a new dam in this way is actually cost-effective, considering the time, energy, and uncertainty involved in constant repairing of the existing facility.

Bureau of Indian Affairs engineers have examined several alternatives to the problem of the siphon and have determined that the best solution is to build a flume over the river to carry irrigation water to the opposite side. This will alleviate the problem of a siphon buried under the water which, inevitably will be exposed by erosion within a few years. The flume carrying the water over the river would be a permanent fixture.

The Bureau of Indian Affairs has prepared an Executive Summary explaining the nature of the problem, describing the replacement structures, and briefly setting out the costs.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

GARY KIMBLE, EXECUTIVE DIRECTOR, ASSOCIATION ON AMERICAN INDIAN AFFAIRS

Mr. ATKINS. Association on American Indian Affairs?

Mr. KIMBLE. Mr. Chairman, I am Gary Kimble. I am the executive director for the Association on American Indian Affairs.

Briefly, the association is a 67-year old association, the oldest Indian rights organization in the country with a membership of 30,000 people.

We have some concerns. I'll highlight them rather than read the whole statement. We have an issue of fully funding the bond program for the Bureau of Indian Affairs issuing regulations. As you can see by the statement, I think that is an issue that can be easily resolved.

A very important thing that the Association has taken upon itself to address is the issue of alcohol and drug abuse treatment for children in boarding schools. The Association is quite concerned that a $500,000 cut in the program for certified credentialed counselors within the Bureau's schools has been recommended. We don't believe that a 20 percent decrease in funding is the correct response to the very serious problem. We think that it should be reinstated and that the program is vital.

We have another major concern. The Association is disappointed to see that the BIA is not requesting an increase in the appropriation for operating grants and endowments for tribal community colleges. The Committee may be familiar with the recent report prepared by the Carnegie Foundation that found that tribal community colleges provide essential educational services in their communities. They provide these services on a shoestring budget in overtaxed facilities.

Congress is authorizing nearly $6,000 a year for each student enrolled in the tribal colleges, but the amount appropriated has never matched that figure. In 1981, for example, there was a total of 1,689 Indian students enrolled in tribal community colleges for approximately $3,100 for each student. By 1989, the number of students had climbed to 4,400, while the money for each dropped to $1,900. We find that to be a very serious problem.

We, therefore, request that the appropriation be increased to the $5,820 per student level that has been authorized by Congress.

We also have an issue on the endowment appropriation for the tribal community colleges, which I don't have to go into in detail. It is in the statement.

We are deeply concerned about the proposed $3.1 million cut in the Johnson-O'Malley education assistance program. Indian students attending the public schools have special educational needs that JOM programs effectively address. The Bureau justifies this cut by saying that its first priority is BIA schools. On the other hand, they are cutting in that arena, too.

Given the importance of the education and the fact that over 200,000 Indian students are served by JOM programs, we feel that the Bureau should at least give equal priority to JOM programs and restore the 13 percent cut being proposed.

We have a very important project at the Association. We deal with Federal recognition and address those issues in the State of California at this time. We feel that the Bureau of Indian Affairs is undermining the efforts of unrecognized tribes by woefully underfunding the Federal acknowledgment and research program.

As the committee knows, gaining Federal recognition is a critically important step for a tribe because it establishes the government-to-government relationship with the Federal Government. Federal recognition entitles tribes to special Indian services of the Bureau and other Federal agencies in the areas of health, education, child welfare, and economic development, among others.

The Bureau's fiscal year 1991 budget does not identify the budget for recognition services as a separate line item. Instead, the BIA buries the recognition budget in another program. Unrecognized tribes and concerned Indian organizations cannot evaluate the Bureau's financial commitment to recognition without knowing the resources the Bureau is dedicating to this program.

The acknowledgement program is also seriously understaffed. When the recognition program was established, it was determined that 16 professional staffers would be required to review petitions. At this time, there is less than half that number of researchers on staff. There are currently 14 backlogged recognition cases that, given the existing staff levels, could take many, many years to process.

Finally, the BIA employees assigned to review recognition petitions must also perform other duties within the Bureau further delaying the acknowledgement process.

With that, Mr. Chairman, I would like to close by saying that I think that these issues are very serious in character. Certainly, the misery level at the boarding schools can be alleviated by not only maintaining existing budgets for alcohol and drug abuse counselors, but—as a matter of fact, if there is a serious commitment on the part of the Federal Government, it should be increased. I mean, this is not the place that you should be cutting.

Mr. ATKINS. Let me, if I can, just go through a few things very quickly with you.

Mr. KIMBLE. Yes.

Mr. ATKINS. As you are aware, the President's budget does theoretically, provide for a $500,000 increase in the central office operations that is specifically targeted for the acknowledgement and research of tribes. They are suggesting funding two additional review teams. As you pointed out, they don't let us know what the base funding is.

Mr. KIMBLE. That's right.

Mr. ATKINS. Do you have a total funding amount that you are looking for? Does that $500,000 increase resolve the problem?

Mr. KIMBLE. Without being able to analyze that in detail in terms of what its fiscal impact would be within the agency, I can tell you, sir, that I'm sure the type of research resources that are needed within the Bureau, would not be adequately addressed by

$500,000. Again, it is hard to figure the fiscal impact of the proposed amount because it is buried within other programs.

Mr. ATKINS. We take your point to heart in terms of highlighting that amount so people can determine it. If you could submit for the record the resources you feel are necessary to do the job that would be very helpful.

Mr. KIMBLE. Yes, I will provide that information to the committee.

[Material was not submitted to the Subcommittee at the time of printing.]

Mr. KIMBLE. As you probably know, if you're familiar with the Association, we devote large amounts of our budget in order to assist the tribes at the local and State level in California on Federal recognition. That effort is severely hampered by the lack of staff and the lack of commitment.

There is one last point that I would like to make, Mr. Atkins. There is a serious problem in terms of a gentleman's agreement occurring between Federal agencies in terms of what kind of real commitment——

Mr. ATKINS. A gentleman's agreement between Federal agencies?

Mr. KIMBLE. That's right. As to how much effort will be made for Federal recognition. As you know, Federal recognition is not always a popular issue with all Indian tribes. Nevertheless, it seems to me that if there is a commitment on the part of Congress to appropriate monies that those agencies should be, in fact, pursuing Federal recognition rather than sort of shuffling their feet and deferring it. I'd like to point that out.

Mr. ATKINS. Thank you.

Mr. KIMBLE. Thank you. I appreciate it.

[The prepared statement of Mr. Kimble follows:]

Statement of Gary N. Kimble, Executive Director,
Association on American Indian Affairs, Inc.

Mr. Chairman and Committee members. My name is Gary Kimble and I am the Executive Director of the Association on American Indian Affairs (AAIA). Thank you for giving the Association this opportunity to submit testimony on the Bureau of Indian Affiars' FY 1991 budget.

The Association on American Indian Affairs is a national non-profit citizens' organization headquartered in New York City and dedicated to the preservation and enhancement of the rights and culture of American Indians and Alaska Natives. AAIA conducts programs in child welfare, economic development, health, education, and legal matters. The Association has 30,000 members located throughout the United States. The policies and programs of the Association are formulated by a Board of Directors, the majority of whom are Native Americans.

In 1988 Congress passed amendments to the Indian Financing Act authorizing the BIA to guarantee bonds, debentures, and similar obligations issued by tribal entities. The bond guarantee amendment was passed in response to the great difficulties that tribes were experiencing in issuing bonds to private investors. Congress believed that a bond guarantee program would make it easier for tribes to issue bonds since the guarantee would reduce investor risk and make tribal bonds more attractive. The fact that less than seven tribes had issued bonds between 1983 and 1988 certainly contributed to Congressional support for this amendment.

The BIA has again, unfortunately, submitted a budget request that does not include an appropriation for bond guarantees. The BIA is in the process of drafting regulations but they are having difficulty getting OMB approval. That is not surprising since the Bureau refuses to hire outside financial professionals to develop regulations that would create an effective bond guarantee program. We hope the Committee can persuade the BIA to use qualified professionals to quickly complete the regulations and request an appropriation so that tribes can begin to use this powerful economic development tool.

The BIA is recommending a $500,000 cut in the program that funds substance and alcohol abuse counselors. The Bureau contends that it is having difficulty hiring certified credentialed counselors. The Association does not believe a 20 percent decrease in funding is the correct response to this problem. At a time when the federal government and many states and cities are increasing support for drug programs in the face of a growing drug problem, the Bureau is recommending a significant cut. The

Association would like to see this program restored to its 1990 level and we recommend that the Bureau attempt to develop innovative recruiting techniques in order to attract the counselors that they acknowledge they need.

The Association is disappointed to see that the BIA is not requesting an increase in the appropriation for operating grants and endowments for Tribal Community Colleges. The Committee may be familiar with a recent report prepared by the Carnegie Foundation that found that Tribal Community Colleges provide essential educational services in their communities. They provide these services on a shoestring budget and overtaxed facilities. Congress has authorized nearly $6,000 for each student enrolled in tribal colleges, but that amount appropriated has never matched that figure. In 1981, for example, there was a total of 1,689 Indian students enrolled in tribal community colleges, or approximately $3,100 for each student. By 1989, the number of students had climbed to 4,400, while the money for each dropped to $1,900. We do not believe that tribal community colleges should be penalized for their success in attracting new students who desire an education. We therefore request that the appropriation be increased to the $5,280 per student level that has been authorized by Congress.

We also urge the Committee to increase the endowment appropriation for tribal community colleges. On most tribal college campuses, budgets are tight and administrators are strained to provide basic academic and administrative services. Support from foundations, corporations, and federal funding agencies provide much-needed base support. American higher education discovered long ago that quality education cannot be achieved if an institution is forced to live hand to mouth, with no stability in support. Endowments have been crucial in integrating long-range planning, cushioning unanticipated budget shortfalls, and increasing the stability of the institution. This is just as true for fledgling new colleges as for our oldest and most prestigious institutions. We urge, therefore, a major expansion of the endowment fund for tribal colleges.

We are deeply concerned about the proposed $3.1 million cut in the Johnson-O'Malley Educational Assistance program. Indian students attending public schools have special educational needs that JOM programs effectively address. The Bureau justifies this cut by saying its first priority is BIA schools. Given the importance of education and the fact that over 200,000 Indian students are served by JOM programs, we feel that the Bureau should at least give equal priority to JOM programs and restore the 13 percent cut being proposed.

Once again the BIA is undermining the efforts of unrecognized tribes by woefully underfunding the Federal Acknowledgement and Research program. As the Committee knows,

gaining federal recognition is a critically important step for a tribe because it establishes a government-to-government relationship with the federal government. Federal recognition entitles tribes to special Indian services of the BIA and other federal agencies in the areas of health, education, child welfare, and economic development, among others.

The Bureau's FY 1991 budget does not identify the budget for recognition services as a separate line item. Instead, the BIA buries the recognition budget in another program. Unrecognized tribes and concerned Indian organizations cannot evaluate the Bureau's financial commitment to recognition without knowing the resources the Bureau is dedicating to this work.

The acknowledgement program is also seriously understaffed. When the recognition program was established, it was determined that sixteen professional staffers would be required to review petitions. At this time, there is less than half that number of researchers on staff. There are currently fourteen backlogged recognition cases that, given the existing staffing levels, could take many, many years to process. Finally, BIA employees assigned to review recognition petitions must also perform other duties within the Bureau further delaying the acknowledgement process.

Given the importance of the Acknowledgement and Research program to unrecognized tribes, we hope the Committee can encourage the BIA to establish an acknowledgement program that is adequately funded and staffed.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

JONATHAN TAYLOR, PRINCIPAL CHIEF, EASTERN BAND OF CHEROKEE INDIANS

Mr. ATKINS. Eastern Band of Cherokee Indians?

Mr. TAYLOR. Good morning. Mr. Chairman, my name is Jonathan Taylor. I am principal chief of the Eastern Band of Cherokee Indians. It is always an honor and a pleasure to come before this Committee.

Today I have three issues I'd like to speak to the Committee on. One is education, which I think, sitting in the back of the room here, I've heard everybody today talk on education and shortage of funds.

Three years ago, Congressman Yates and this honorable Committee gave us the money to build a new high school in Cherokee, North Carolina. We find today that it is an accredited high school, and we are about to lose our accreditation because of the Bureau's lack of support to fund this school.

This year, to get us through the year, we'll need $335,000 to get us through this school year. It is a formula that the school is funded by, it's all in my written statement—for example, when we first contracted transportation for the Cherokee school, we got $1.40-some cents a mile for transportation. This year, our contract is for $1.15 a mile. Last year, I appeared before this committee, and we were able to raise the transportation money by $800,000 across the country. Last year, we were getting $1.17 a mile; this year we are getting $1.15 a mile.

Also, the other thing that we need to talk about, Mr. Chairman, is the Indian Health Service. I came before this Committee last year, the year before, and the year before that, talking about lack of funding in the Indian Health Service. A few years ago, we built a new hospital in Cherokee, North Carolina. The hospital never was staffed up to what it is supposed to be.

We have come before this committee every year. This year we are coming before the committee again. The hospital is understaffed by 15 positions. Those 15 positions would cost us $460,000. Other things in the hospital that are lacking would cost around $469,000 or thereabouts. Contract health care, somewhere along $500,000. The hospital will run short of contract health care this year.

Another thing I came before the committee on last year, Honorable Congressman Yates, and we contacted the Indian Health Service about a water treatment plant we were applying for. At that time, we got negative information back from the Indian Health Service.

This past year, I met with the Indian Health Service again and had them come to our reservation and look and see just what was going on. We had to close one of our local clinics, Mr. Chairman, for about five days because we didn't have enough water to even run our dental equipment. We dug two wells. Right now, we

haven't got enough pressure coming from those two wells to run that dental equipment at this time.

Even though we are in the hills, we still need some water there in Cherokee. Last year, Mr. Chairman, there were 10 million tourists that came through our reservation. Seventy-five percent of our industry is tourism.

There is a large amount of unemployment in the winter months. Through the self-determination of Indian tribes, Congress passed a law, Public Law 93-638, stating that we could get out and determine our own destiny. We are trying to do that, Mr. Chairman, but we're not getting any assistance from the Bureau like we would like to get.

If you look back at our record for the past six or eight years, we have come before this Committee every year with the same request, and we're not getting any results from IHS. We bring the documentation. We bring everything, but we never get results from IHS.

Number one, Mr. Chairman, the thing that is dear to our tribe and every other tribe is education. Through education, we can get our kids off the reservation if they want to leave. If they want to stay, okay, but if we give them an education, they won't be in the firing line that we're accused of being in all of the time. Give us some money to get them through high school, get them through some colleges, whether it's a junior college or just somewhere where they can learn a trade. Indian people are proud people, Mr. Chairman. Through education, we can get into the mainstream of life like Congress has always said we should be and be good citizens like—well, we are good citizens, but we'd like to prove the fact that we can get out and do things for ourselves.

A few years ago, when I first came here some 20 years ago, I came up here, and the first time I appeared before this Committee, the people around this table really took to heart what we were saying. From that, we got a new school. We got a new hospital. Give us some money so we can operate these things adequately.

I'd like to introduce someone with me today, Steve Seiberling, from Congressman Clarke's office in North Carolina. They are fully in support of our efforts. They worked with us last year but were unsuccessful.

I would urge the committee, if you would, to ask the Indian Health Service again about this water treatment plant because we do need this water treatment plant. When you are closing schools and clinics, you need water. Even though we are in the mountains where we have plenty of water running, sometimes you can't get it unless you treat it.

Thank you, Mr. Chairman, and this honorable Committee.

Mr. ATKINS. Thank you very much. Let me thank you for Congressman Clarke. I know he has taken a great interest in the eastern band of the Cherokees. We appreciate all of Congressman Clarke's interest in that. I appreciate the high priority that you place on education. It would be very helpful for this Committee if you could submit the accreditation reports that you said you had for the record.

[Material was submitted to the Subcommittee and has been placed in the Subcommittee's files.]

Mr. ATKINS. On the IHS money for your water treatment facility, I would have to tell you, in all candor, that the IHS puts water treatment for individual homes at a much higher priority than for businesses and clinics and other things.

Mr. TAYLOR. Mr. Chairman, could I clarify that for the Committee so we won't go wrong?

Mr. ATKINS. Sure.

Mr. TAYLOR. Seventy percent of this water that we are talking about will be used in homes. What we're running into, Mr. Chairman, is, with septic tanks in the ground, and all the wells not working, we are getting contaminated wells. That's why we dug two wells for this clinic, but it was unsuccessful.

One other thing about the school. I know that the Committee is busy. In the past two years, our school, first our elementary school, competed nationwide and won first place. They got the award for first place. Last year, our high school got it.

We have three accreditations, with the State of North Carolina, the Bureau, and southern. So I would like to send the Committee our three accreditations. We're proud of them, Mr. Chairman. We're proud of our children.

Again, thank you and this honorable Committee for your time.

Mr. ATKINS. Thank you very much.

[The prepared statement of Mr. Taylor follows:]

TESTIMONY OF JONATHAN L. TAYLOR, PRINCIPAL CHIEF

OF THE EASTERN BAND OF CHEROKEE INDIANS

Mr. Chairman and Distinguished Members of the Sub-Committee on Interior and Related Agencies, I am Jonathan L. Taylor, Principal Chief of the Eastern Band of Cherokee Indians. I wish to thank you for the opportunity of appearing before you today. As you know, our reservation is located in the western part of the state of North Carolina, directly adjacent to the Great Smoky Mountain National Park.

EDUCATION

One of the most important and continuous issues that must be brought to your attention, is the need for additional funding for educating our Indian children. Our level of funding is inadequate to provide the quality of education the children of Cherokee deserve. Laws have been passed with the intent to upgrade Indian education but there isn't additional funding allocated to meet these costs. Indian students attending BIA schools should be provided the same educational opportunities as other students across the country.

BIA Minimum Academic Standards were mandated by Public Law 95-561 to ensure educational standards established by federal statute and regulations, yet the BIA continually fails to provide funding to our school to carry out these proposed regulations. Included in the BIA Minimum Academic Standards 36.2 E states where additional minimum academic standards exist or are established those State standards shall also apply. 36.50 Standard IVII - School Program evaluation and needs accessment states that the schools shall follow the state and regional accreditation or accreditation requirements of the State of North Carolina.

This year the cost to operate the schools, which with the level of funding previously received was already lagging behind the public schools, has increased. These increases are due to: (1) Mandated Department of Defense pay scales. (2) Mandated 3.6% pay increase. (3) Cost of benefit packages. (4) $0.30 per mile reduction in transportation for funding for students. These factors amounted to a $335,600 deficit to meet current needs and to meet the on-going demands to provide quality education to our Indian students.

In addition to the five items mentioned above, the Tribe funded a summer school program at a cost of $75,000. The summer school program is required to meet N.C. Minimum Standards and yet BIA did not provide funding for the program. The Tribe definitely does not have funds to cover this required program.

The BIA school transportation allocation per mile to bus students to and from school has steadily decreased from $1.45

per mile in 1983 to it's present level of $1.15 per mile for FY 1990. The U.S. average cost per mile for student transportation has steadily increased to over $2.00 a mile in 1990. In addition to inadequate transportation funding, BIA is giving each school the same rate per mile for running a small van-type bus as for a large sixty-six passenger school bus. There needs to be a weighted formula based on bus size.

Mr. Chairman, my concern is that in order to provide quality education, there must be sufficient money received to employ personnel, purchase materials and supplies, meet pay raises, unanticipated costs and still meet our obligations to the students. BIA is ignoring its own fiduciary duty to our Indian children. It appears that most of the money allocated for education is being funded to the Western Tribes. As Principal Chief of the Eastern Band of Cherokee Indians, I am dedicated to supporting our education program because our youth of today, hold our future for tomorrow. Our students deserve the very best educational opportunities we can offer and this is also a trust responsibility of the government.

We have strong feelings that the Assistant Secretary should intervene in the appeal of the Tribe with OIEP. In 1985 the Eastern Band of Cherokee Indians requested the BIA to transfer an individual who was serving as Agency Superintendent for Education, because of local dissatisfaction with his job performance. After first resisting the Tribe's request, OIEP then instituted a one-man Reduction in Force and reclassified the position to Agency Principal. The employee then appealed the RIF and reclassification to the Merit System Protection Board, which after a hearing entered a decision in favor of the employee and ruled that the RIF and reclassification to the Merit System Protection Board, which after a hearing entered a decision in favor of the employee and ruled that the RIF was illegal and reinstated the employee. After settling with the employee, who retired, the BIA retained the new job classification. This reorganization, which was motivated and justified solely by the unpopular BIA employee, placed primary supervision over the Cherokee School system in the Area Office.

Although the Tribe and Cherokee School Board initially accepted the RIF and reclassification by the BIA, they did so because OIEP indicated this was the only way to legally replace the then Superintendent. After operating under this reclassification for less than a year the Tribe and School Board began to request that this position be returned to its original classification. The reclassification resulted in harmful loss of control and constant delays in administrative action in all matters concerning the Cherokee School. Furthermore, the reclassification resulted in a loss of more than $100,000 per year from local funds, since the newly classified position was

paid from local ISEP funds rather than by "element 10" funds of the BIA."

BIA education officials have adamantly ignored and refused the Tribe and School Board's repeated requests to return the proper classification of Agency Superintendent for Education. The funding of the Cherokee School is critical. The North Carolina legislature has created an ambitious funding program for public schools that Cherokee can't match and runs eventual risk of losing accreditation unless all available funds are used for education programs and administrative control of the school is returned to the local level.

In 1988 the Cherokee Elementary School received national recognition as an Exemplary School from the U.S. Department of Education. The Cherokee High School received the same recognition in 1989.

INDIAN HEALTH SERVICE

Through extraordinary and continued support of the Sub-Committee, we have a beautiful, modern hospital on our reservation which was opened in January 1981. Each year we continually strive to secure additional funds to opeate this facility. We have 15 forced lapsed positions in our hospital which would cost $460,835 to fill. We have testified on this for the past three years and nothing has been done about it.

Each year we express our concerns about the effect that the budget restraints have on our entire health care at Cherokee. This year is no exception. As a result of the President's budget for FY 1990, the Cherokee Indian Hospital faced a serious financial situation. We are forced to absorb the Federal Pay Increase at a cost of $100,718; we must absorb approximately $150,000 of our inflationary costs; and the sequestration action by the Congress has resulted in a further reduction of $79,810. In addition, inventories of drugs and medical supplies are at a dangerously low level and sometimes not available at all. Consideration is even being given to limiting the amount of medication issued at one time and the discontinuance of over the counter medication all together.

At the present time, the Cherokee Service Unit is predicting a funding deficit of $461,000 in it's direct care operation. Since the Service Unit is not permitted to exceed their annual budget, it is obvious that serious and drastic measures will have to be taken. The end result will be a major reduction in health services available to the members of the Eastern Band of Cherokee Indians. This is not just a result of this year's actions, it is a result of the rising cost of doing business over the years. We have finally reached the point where our ability to absorb additional costs will result in major

reductions of health care.

Furthermore, the Cherokee Service Unit faces an additional deficit of $350,000 in it's Contract Health Service program. Throughout the entire year the hospital operates under Priority One for referral services. Since the Cherokee Indian Hospital doesn't perform surgery or provide obstetrical care, it is mandatory that patients needing these services must be referred to contract sources. Many people needing surgery are denied because of a lack of funding. We are mandated to operate on an "urgent and emergent" policy, which leaves people on a waiting list even though they do need surgery. This is definitely an area that needs additional funding so that we can provide adequate medical care for our Indian people.

WATER TREATMENT PLANT

For the past several years, the Eastern Band of Cherokee Indians have been trying to secure necessary funds to construct a central water treatment plant capable of serving the need of the Cherokee Indian Reservation. Over the next twenty years the total population served by our water system is expected to increase from 2,415 to 6,400 persons. Since most federal and state assistance is oriented toward wastewater treatment, we have had no success in our efforts.

Our existing water system was constructed mainly during the 1930's and does not meet our current demands thus hampering commercial, industrial and residential growth. A portion of the lines are asbestos cement (transit) pipe that need replacement because of the existence of aggressive (corrosion) water and possible asbestos contamination. Our present water system will not meet the new EPA water requirements which will become effective in 1991. Last year we had over ten million tourist visit our reservation. 75% of our industry is tourism, therefore an adequate supply of water is extremely critical. The cost of the proposed upgrade and expansion of the Cherokee Water System would be $4,750,000. This project will increase tourism and industrial development, resulting in increased tax revenue to the federal government.

So again, Mr. Chairman, we are expressing some heartfelt burdens the Cherokee's face due to budget restraints effecting the quality of education and medical services of the Cherokee Tribe.

In closing, Mr. Chairman and Distinguished Members, I would like to extend my appreciation to you for providing the opportunity for me to present this testimony. The Eastern Band of Cherokee Indians has enjoyed an extended and productive relationship with Congress and this Sub-Committee and we are extremely grateful for the support and understanding you have provided to the Cherokee Tribe.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

ROCKY STUMP, SR., CHAIRMAN, CHIPPEWA CREE TRIBE

Mr. ATKINS. Chippewa Cree Tribe? We have your statement already.

Mr. STUMP. Good morning, Mr. Chairman. My name is Rocky Stump, Sr. I'm chairman of Chippewa Cree Tribe from the Rocky Boy's reservation in Montana.

I have three requests for the Committee today. They are: First, we need $2.6 million to complete phase two of our rural water system on the reservation. The goal of this project is to bring adequate and quality water to 370 homes on the reservation.

Phase one, which serves 162 homes, was completed in December. I have brought some water samples for the committee to show you the poor quality of the existing wells in the certain areas of the reservation.

Mr. ATKINS. You won't mind if I stick to this water——[Laughter.]

Mr. STUMP. The first sample I have here was taken two days ago at a residence at Rocky Boy. This is the bacteria which forms when the water has a high iron content. Unfortunately, the amount each of these samples had when it came out of the tap has gone away. I wish you could smell it and realize what our people are being expected to drink.

Mr. ATKINS. I'll take your word for it. [Laughter.]

Mr. STUMP. The Indian Health Service has been supportive of phase one, and we expect they will support a Congressional add-on for phase two.

Our second request is not necessarily a request for an add-on. We request appropriations language directing the BIA to allocate an additional $550,000 of its fiscal year 1991 budget to the base Indian priority system agency budget. This amount would merely achieve parity with budgets of similar-sized agencies in the Billings area.

The Rocky Boy's agency has been historically underfunded since it broke away from the main agency. We have asked that this be corrected for decades and have received no response from the Bureau.

Number three, the Chippewa Cree Tribe is also requesting a $607,000 add-on to the IHS budget to provide emergency medical response and 24-hour medical coverage for Rocky Boy's reservation. Currently, all patients, emergency and otherwise, must be taken to a private hospital off the reservation. This adds increased contract health care expenditures to our reservation. It has also resulted in several deaths which we feel could have been prevented had we been able to be there to stabilize the patient before transporting them to the hospital. We have only four emergency medical technicians currently. To say the least, these folks are overworked.

Mr. Chairman, our last request is for a supplemental fiscal year 1990 appropriation for $139,500 to continue our water rights negoti-

ations, preparation for the Milk River Basin in Montana. We hope to have a contract with the State by this fall.

In closing, Mr. Chairman, I would like to say that the Chippewa Cree Tribe supports the $3.3 million add-on for contract health services for the Billings area on the fiscal year 1991 budget.

Thank you.

Mr. ATKINS. Thank you very much. I appreciate that.

Mr. STUMP. You don't want this?

Mr. ATKINS. No. You can take your water with you. [Laughter.]

[The prepared statement of Mr. Stump follows:]

TESTIMONY OF ROCKY STUMP, SR., CHAIRMAN OF THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION, IN THE STATE OF MONTANA, BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON INTERIOR APPROPRIATIONS -- PRESENTED ON MARCH 14, 1990

Mr. Chairman, I would like to thank you for this opportunity to testify before you of Fiscal Year 1991 appropriations. My name is Rocky Stump, Sr. I am Chairman of the Chippewa Cree Tribe of the Rocky Boy's Indian reservation in Montana. I am here today to request funding of $2,600,000 in the Indian Health Service sanitation budget for completion of our rural water project. We are also requesting the Committee to direct the Bureau of Indian Affairs to allocate $550,000 from its FY '91 budget to the Rocky Boy's Agency base Indian Priority System (IPS) budget. We also request $607,000 from the Indian Health Service to provide 24 hour emergency care and emergency response for our reservation. Finally, we ask your consideration of a FY '90 supplemental of $139,500 to continue negotiations of our Indian water rights claim if a supplemental appropriations measure is enacted for FY '90.

Rural Water System - Number One Priority

Mr. Chairman, the Chippewa Cree Tribe requests sufficient funding in the Indian Health Service Budget so that $2,600,000 can be made available for completion of Phase II of our rural water system on the Rocky Boy's Reservation. (With the consent of the IHS, Phase II now includes what had previously been referenced as Phase II and Phase III and will complete the entire system.)

Phase I of the project went on line in December 1989. It serves 112 existing homes and will also serve 50 new homes now under construction. Phase II will serve an additional 208 homes in outlying communities. There are seven (7) distinct communities in which these 370 homes are situated. Each of these communities has experienced both water quality and water supply problems. The quality problems arise form high concentrations of hydrogen sulfide (H2S), Iron (Fe), and Manganese (Mn) which makes the water offensive to the sense of smell and the sense of taste. The mineral content is visible to the naked eye. This mineral content also causes severe corrosion to the steel cased wells and piping. Hydrogen sulfide, the most prevalent mineral in our water, can be dangerous to health. Because of the reluctance of the population to make full use of the water other aspects of reservation health are affected. Lack of potable water lends itself to an exacerbation of health problems caused by increased consumption of soft drinks, sugared kool-aide, and alcoholic beverages. This contributes to four of our major health problems -- alcoholism, diabetes, hypertension, and obesity.

We have also experienced water shortages in addition to water quality problems. This increased during the drought periods in the last decade. Forty-eight percent of our homes have experienced water shortages. The topography of our reservation contributes to both the water quality and water shortage problems. The mountainous area of the reservation has the best quality water. Unfortunately a substantial portion of our residences are in the plains area of the reservation where the water quality and supplies are the worst.

The overall goal of the rural water project is to bring the mountain water to the outlying communities. We would also maintain present systems for back-up supply.

The Tribe has received the support of the Indian Health Service for the completion of the project. IHS is unable to fund completion of the project because it must prioritize its limited funds for Indian residences with no water or sanitation facilities. Our situation is analogous to having no water at all, because our people simply can not use the water as it comes out of the ground. The smell alone (because of the hydrogen sulfide) is so bad that drinking it is quite unappealing. IHS has also been supportive of the Rural Water Project because the Tribe itself will operate and maintain the system after it is built. The Tribe has created a "Community Sanitation Facilities Operation and Maintenance Commission". This Utilities Commission will collect fees and assessments to provide for an operation and maintenance infrastructure. Both the Tribe and the IHS are quite excited about the future self-sufficient nature of this system.

We request that $2,600,000 either be added on to the Indian Health Service sanitation budget or made available from within the IHS request to complete this project in FY '91.

Rocky Boy's Agency IPS Request

Mr. Chairman, our second request does not necessarily involve a request for an add-on to the 1991 Interior Appropriations bill. We are requesting appropriations language to direct the Bureau of Indian Affairs to allocate an additional $550,000 of its FY '91 budget to the Rocky Boy's Agency and we believe there are sufficient dollars within the Bureau's budget to accomplish this. This is the amount that it will take for our total agency budget to merely achieve parity with the other agency budgets in the Billings area and the nation. Our reservation budget is approximately $1,000,000 less than the budgets for tribes of comparable size. This disparity occurred as an historical accident because we were once of sub-agency of the BIA agency at Ft. Belknap, Montana. When the Rocky Boy's agency was created it was drastically underfunded and this underfunding has been perpetrated by the BIA's failure to bring our base Indian Priority System (IPS) budget up to parity with similar tribes.

The following is a breakdown of our various agency budgets showing present funding and the amount needed to achieve parity with tribes of similar size:

Programs	1990 Planning Base	Amount Needed	Required Funding
Judicial*	52,200.00	63,000.00	115,200.00
Scholarship*	170,400.00	150,000.00	320,400.00
Social Services	61,000.00	62,000.00	123,000.00
Law Enforcement* includes C.I.	257,500.00	CI 20,000.00 L&O 150,000.00	427,500.00
Realty	53,000.00	5,000.00	58,000.00
Credit	29,000.00	4,000.00	33,000.00
Admin. Serv.	94,000.00	4,000.00	98,000.00
Aid to T.G.*	183,000.00	10,000.00	193,000.00
AVT*	58,000.00	25,000.00	83,000.00
Timber Sale Mgmt.	14,000.00	5,000.00	19,000.00
Agriculture	91,000.00	10,000.00	101,000.00
Executive Dir.	83,000.00	17,000.00	100,000.00
Forest Pgm. Mgmt.	33,000.00	5,000.00	38,000.00
Forest Protection	20,000.00	20,000.00	40,000.00
	$1,199,100.00	$550,000.00	$1,749,100.00

*(tribal P.L. 93-638 contracted program)

Mr. Chairman, we have made this same request to the Bureau of Indian Affairs when Mr. Ken Smith was Assistant Secretary for Indian Affairs and when Mr. Swimmer was in that position. Each time promises were made to help us achieve parity and not kept. Our last hope is to have the Congress direct the BIA to bring our base Indian Priority System (IPS) funding up to par by directing the Bureau to allocate $550,000 of its FY '91 budget for this purpose. We further request that the BIA be directed to maintain this parity in future budget requests for the Rocky Boy's Agency.

24 Hour Emergency Medical Care

A very grave situation exists on the Rocky Boy's Reservation relating to the provision of emergency medical care for our people. The IHS maintains only a daytime outpatient medical clinic at Rocky Boy. Any medical emergency occurring after hours results in a trip to the public hospital off the reservation in the city of Havre, Montana. We have only four (4) emergency medical technicians to provide emergency response and this includes daytime response.

This lack of 24-hour care combined with inadequate resources for emergency response is costing lives. We have an immediate need for $117,000 to provide adequate emergency medical service response. This amount includes salaries for additional Emergency Medical Techincians, supplies, a defibrillator, GSA vehicle rental, training and premium pay for back-up EMT's and drivers.

In order to provide for adequate 24-hour health care we need an additional $490,0000 to provide for medical services after clinic hours. This would provide for emergency physician response, nursing, lab and x-ray, and medical records capabilities on a 24-hour basis.

The Chippewa Cree Tribe therefore requests a total add-on of $607,000 to the IHS budget to provide 24 hour health care and emergency medical services ont he Rocky Boy's Reservation. This will result in a cost savings to IHS as it will reduce the amount of money we are presently using for contract care. As it presently stands, any illnesses or emergencies that occur any time other than 9:00am to 5:00pm, Monday through Friday, must go to Havre with the resultant contract care bills that accompany such visits.

Water Rights Negotiations

Mr. Chairman, the Chippewa Cree Tribe has agreed to negotiate its reserved water rights in the Milk River Basin in Montana in conjunction with the Blackfeet Nation and the Ft. Belknap Tribe. The three tribes will be negotiating with the State of Montana this summer with the aim of achieving a water rights compact by this fall. The Tribe needs $139,500 to prepare for these negotiations. If a supplemental appropriation is contemplated for FY 90 we respectfully request that this identified amount of funding be included in the supplemental bill. Alternatively, any assistance the Committee can give us in dealing with the BIA in this regard would be greatly appreciated. We are also quite conerned about the proposed $2.5 reduction for FY '91 in the Water Resources budget for the BIA. These funds are integral for all tribes involved in water issues, including protection, assessment and management. At the least, we urge these funds be restored to the FY '90 appropriated level.

Thank you very much.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

JOHN BLACKHAWK, CHAIRMAN, WINNEBAGO TRIBE

Mr. ATKINS. Winnebago Tribe?

Mr. BLACKHAWK. I don't have any water. I don't have any rock samples or anything. [Laughter.]

As a matter of fact, I'm going to try and make this as brief as possible. Hopefully we'll get below five minutes.

I'd like to do something a little bit differently, if I could. First of all, I'd like to begin by thanking Congressman Yates for the opportunity to testify.

I know that you have the information there, but go to probably the 7th page which has the budget figures. I know, in looking at them, that I need to make some amendments here.

Before I go on to that, I'd like to say that I am also a part of a relatively new organization that we started in the Aberdeen area. It is called the Aberdeen Area Tribal Chairmans Health Board. From that point, we developed some meetings and various conferences for our area to develop our testimony. So you will see within this document in parentheses references to the Aberdeen area and references to the Winnebago tribe.

I have agreed to try and present some of the major critical needs for our area, so we have included them in here. It may be a little bit misleading.

I have been here a little bit less than an hour, and I have heard much of the testimony that has been presented. I don't think that ours is terribly different other than there are some new initiatives that we foresee in the next few years. For example, we're requesting design dollars, I think $1.3 million, for a new hospital for our area.

Now that is something that is new. We are currently in the process of completing our program justification document. We hope to have that completed within the next month. As a matter of fact, we do have some consultants on board that are working very frantically on that project.

Additionally, the other new project that I thought I would mention is our difficulties with law enforcement since we retroceded back in 1985. The Bureau came up with some—I'm not sure exactly what mechanism they used to arrive at a figure for the number of officers we would have on the reservation. We always suspected that it was not enough, and so this past year we had a consultant come in. The gentleman, who is a retired FBI agent, I guess, came onto the reservation for approximately a week. He did an evaluation. Basically, you see that we are in need of probably three additional officers and some support staff. That equates to about $234,000. That is something that is a critical need to us. I'll just go down the list that we have here.

Talking about economic development, we're requesting approximately a little over $8 million through the BIA credit programs that they have, direct loans, loan guarantees, Indian business de-

velopment, financial assistance, and those types of programs that they have there. We do have dollars in the programs, but for whatever reason, we are not becoming aware of them in time. The technical assistance that they give is not as good as it could or should be because they don't have people that have the expertise in that field providing things such as that.

In education, we are proposing some education offices in the Aberdeen area at an approximate cost of about $2 million.

In water management, which is the critical issue for us, we're asking for $150,000 to do an assessment. There is a narrative in the packet that I have given you.

Solid waste for the area is another critical issue before the tribes in North Dakota, South Dakota, and Nebraska. We are asking for $30 million because of the tremendous problems we have had, not only with litigation but with dealing with that issue.

Lastly, as I mentioned before, we need law enforcement help. There is a packet in there, the design dollars are in there, and also our DVU program, which is the only IHS drug dependency unit, which we started about 15 years ago. It is a tribal initiative. It is currently-or has historically been operated by our hospital dollars which are operating dollars from the hospital.

Very recently we received some dollars, but of course they are not nearly enough to cover those costs. We do have the budget in place for that in the appendix also, about $390,000.

With that, I'll stop. If there are any questions, I'd be more than willing to answer them.

Mr. ATKINS. Let me just ask you in the Indian Child Welfare Act grants, you're suggesting that we end the process, or that the BIA ends the process, of distributing those funds on a competitive basis. Rather, that you have a funding policy that is based on need.

Mr. BLACKHAWK. Right.

Mr. ATKINS. How would that affect resources for you?

Mr. BLACKHAWK. I'm not sure I completely understand.

Mr. ATKINS. Well, how are you doing under the competitive grant process?

Mr. BLACKHAWK. The main reason I guess is that we have, over the past year, submitted a grant that is very similar. We have improved it. For whatever reason, because of the dollars and because of the various other organizations, urban areas, whatever, becoming more and more advanced and progressive, we submitted the same grant that we were denied funding for. Although we don't have any factual documented proof, we know that it was because a number of other areas and organizations were applying, so we lost the grant for the past year, as well as a number of tribes in our area.

Mr. ATKINS. Tell me, you have in your program a concern, and you talk about the arbitrary removal of Indian children from their families and tribal affiliations and a particular concern that when Indian children are placed in foster or adoptive homes, that they are in foster or adoptive homes that reflect what you referred to as the "unique values" for them.

How many children do you have in the Aberdeen area who are taken out of the tribe and are adopted or placed in foster care outside of the tribal community?

Mr. BLACKHAWK. As far as the exact numbers, that just doesn't come to mind currently.

Mr. ATKINS. How large a——

Mr. BLACKHAWK. Out of the 15 tribes, a year ago there were only eight that were applying for formal ICWA funding. More wanted to apply because of the problem that you're talking about, that they were being taken out of the tribal settings or the tribal homes and placed in non-Indian environments. As far as the exact number, I could sure get that for you.

Mr. ATKINS. If you could for the record, that would be helpful.

[Material was not submitted to the Subcommittee at the time of printing.]

Mr. BLACKHAWK. The information that we have, if we're anything close to an average of what the area would be prior to ICWA, had approximately 100 to 120 young people and children, leaving the reservation prior to ICWA funding. Actually, the laws and the amendments—were approximately 1,200 people residing on the reservation. We have a total enrollment of about 3,500, so the stats are high in that area.

Mr. ATKINS. Thank you.

Mr. BLACKHAWK. Thank you very much.

[The prepared statement of Mr. Blackhawk follows:]

Testimony From Mr. John Blackhawk
Chairman
Winnebago Tribe of Nebraska
March 14, 1990

WINNEBAGO TRIBE OF NEBRASKA
TESTIMONY OF
SUBCOMMITTEE ON INTERIOR COMMITTEE ON APPROPRIATIONS

Chairman Yates, thank you for allowing the Winnebago Tribe of Nebraska the opportunity to testify before the Subcommittee on Interior Committee on Appropriations. I am John Blackhawk, Chairman of the Winnebago Tribe of Nebraska, located in Northeast Nebraska with a land base of approximately 27,000 acres. Over 2,000 Winnebagoes reside on the reservation with another 2,000 residing off the reservation.

We currently have unmet needs in six areas which severely and negatively impact the quality of life for our tribal members on the reservation. These areas are Economic Development, Education, Environmental, Indian Child Welfare, Law Enforcement and Health.

Unemployment is very high on our reservation, currently 59%. The Winnebago Tribe is the primary employer in the operation of federal and state grants and contracts and in the operation of four businesses on the reservation. It is very difficult to pursue economic development ventures because of the lack of investment capital which produces a strong reliance on Bureau of Indian Affairs Credit Programs. The Direct Loan Program, the Loan Guarantee Program, the Indian Business Development Program and the Management and Technical Assistance Program as currently funded do not provide the necessary infrastructure required to successfully develop small businesses, agri-businesses, and tribal businesses on the reservation. We recommend increasing the overall funding of these programs by at least $8,690,400; increasing the Agency/Tribal Administrative Funding Levels by at least $400,000. Without adequate funding levels, many tribes will be unable to successfully pursue economic development activities.

In the area of Education, there exists severe fragmentation of the various education programs operated by the Bureau of Indian Affairs, the Johnson O'Malley Program, Head Start, Chapter I, Higher Education Scholarship Program, Adult Education, Adult Vocational Training and School Board Training. We recommend each tribe establish a Tribal Education Department to coordinate all of the education services. In terms of funding levels we recommend a minimum of $1,747,655 be appropriated for the tribes in the Aberdeen Area over the next 3 years to start up Tribal Education Departments that will research, plan and ultimately assume the responsibilities and the subsequent funds of the technical support offices.

Specific education programs which are suffering from inadequate funding include the Johnson O'Malley Program, Higher Education Scholarships, Adult Vocational Training and Adult Education. We support a national funding level for Johnson O'Malley of $33 million. This would mean $160 per student in our reservation where the per capita income (as per 1990 Census data) is $2,889 for Indians and $6,224 for whites in Thurston County. As for Higher Education Scholarships, Adult Vocational Training and Adult Education we oppose the Indian Priority System (IPS) as the process for base funding of these programs.

The Winnebago Tribe has actively sought to address it environmental needs to provide for the safety, health and welfare of the reservation. While we have made good progress in the areas of water and sewer systems improvements, we still need funding to address solid waste and water management issues.

In September of 1988 the Winnebago Tribe was denied funding from the Bureau of Indian Affairs for a tribal water management program. The Bureau of Indian Affairs cited lack of dollars as the reason for denial. Subsequently, however Pine Ridge Sioux Tribe was awarded $150,000. We request the Bureau of Indian Affairs be directed to reprogram funds to provide the Winnebago Tribe with a minimum of $150,000 for water managemnet. These funds will be used to collect data on the eastern portion of our reservation primarily. Although the Bureau of Indian Affairs has contracted with the U.S. Geological Survey to study our water resources on our reservation, we have determined that there will still exist a lack of data on our water resources in the eastern portion of our reservation. On the solid waste issue, we recommend a funding level of 30 million for the Aberdeen Area to enable the Indian Health Service to assess the problem of solid waste in Indian country and to provide for the resolution of this issue i.e. clean up, technical assistance to tribes.

In relation to the Indian Child Welfare Act, the Winnebago Tribe of Nebraska finds that the process of offering funds to the Tribes on a competitive basis must be stopped. Congress must adopt a funding policy, based upon the proven needs as prepared by the Tribes. In addition, the funding levels are totally inadequate to provide the minimal services to Indian families which face severe problems of alcoholism, child abuse and domestic violence. We recommend for the Aberdeen Area a recurring allocation of $2 million which includes $1.7 million for ICWA grants and $300,000 for indirect costs. This would provide minimum funding to all 15 tribes to ensure the statutory intent of the ICWA which is to protect the best interest of Indian children by promoting the stability and security of the Indian tribes and families, to prevent the arbitrary removal of Indian children from their families and tribal affiliations, to establish procedures to ensure that measures are in place to prevent the break up of Indian families, to ensure the procedures are followed in child custody proceedings and to place Indian children in foster or adoptive homes which will reflect the unique values of Indian children.

Specifically for the Winnebago Tribe we request that the Bureau of Indian Affairs reprogram funds to provide $50,000 to our Tribe to study the child abuse and domestic violence problems on our reservation and to develop programs which meet the special needs of child abusers and spouse abusers.

In terms of law enforcement needs, our reservation is currently served by five officers which amounts to one officer per shift. This is totally inadequate for a reservation of our size, a fact supported by an independent study of Winnebago law enforcement. We require an additional $234,000 for our law enforcement program which would fund three additional police officers and a clerical support person.

In the area of health, the Winnebago Tribe of Nebreaska would like to address the need for a new Winnebago hospital, the Winnebago Winnebago Drug Dependency Unit funding, Indian Health Service medical priorities, and the Community Recovery Training Model.

The Winnebago Tribe has been served by an IHS Hospital which is now 60 years old. The replacement hospital which is ranked 9th on the IHS Construction Priority list will require an appropriation of $1.4 million in design dollars. We urge Congress to appropriate dollars for this badly needed hospital. Our tribe is the first tribe in one of its treaties with the United States to be promised the provision of medical services to our tribal membership. In view of the serious health problems that we face, good medical care to prevent complications arising from health problems such as diabetes will reduce the total cost of health care for our community.

In addition, a Drug Dependency Unit (DDU) has been successfully operated at the Winnebago hospital for the past 15 years. Other than an allocation of $45,000 last year and $15,000 this year, the DDU has not received operating funds at all. The DDU will close this September if it does not receive an annual allocation of $390,000 to sustain it. See appendix. We request that this special funding for the Winnebago DDU be on a recurring dollar basis annually.

The Indian Health Service implemented very stringent medical priorities starting Fiscal Year 1989 due to the very severely limited funds available in contract health service. The medical priorities are listed as follows:)A Emergency/Acutely Urgent; B) Preventive Services; C) Acute and Chronic Primary and Secondary Care; D) Acute and Chronic Tertiary Care; and Experimental/ Not Medically Necessary. Because of the critically limited contract health services only emergent/acutely urgent health care is paid for. The conditions that are required for Priority One are: "(1) an immediate threat to life, limb, or the senses, (2) a sufficiently unstable (immediate) potential course, (3) uncertain but grave (immediate) probabilities, (4) clear deterioration of patient's immediate condition, such that a reasonable average physician would not delay (immediate) intervention". Historically, contract health service funds are woefully inadequate to meet the health care needs of the Winnebago health care delivery area. Currently there are still unpaid contract health service bills for FY 88 - $88,000 and for FY 89 - $95,000. According to the Indian Health Service these are not Priority One outstanding bills, but in the lesser priority, referred to as deferred bills. Needless to say, all of the medical care these unpaid bills represent are serious medical care that was provided. We strongly request that this Committee influence the Indian Health Service to pay the $1,830,000 unpaid FY 88 and FY 89 bills. Furthermore, we request that the Winnebago Tribe of Nebraska be funded at a minimum of $1.2 million for the contract health service needs for FY 90. The $1.2 million request is for all the listed medical priorities. In order for the Winnebago Tribe to improve it's health status it must receive contract health service funds for all medical priorities, not just Priority One. Our need is $1.2 million dollars.

The Winnebago Tribe of Nebraska has proposed a project to develop a wholistic substance abuse prevention model targeting the Native American people of the Aberdeen Area in a project named the Aberdeen Area Community/Family Recovery Training Model. This approach to combating the number one health problem in the area; alcoholism is supported by Aberdeen Area Tribal Chairmen's Health Board by resolution and reaffirmation.

The proposed project is committed to the development of (1) community and family strengthening programs through education, (2) aftercare programs in each community, inpatient and outpatient to create "safety-nets" within the tribal communities for returning adolescents and adults who have finished a treatment program, and (3) the development of tracking systems which will follow clients of treatment programs to assist in evaluating treatment programs and strengthening the "safety-nets" of each community with the ultimate goal of improving treatment and empowering the communities and families to address alcoholism in their own terms and by do doing, successfully combat alcoholism in the Aberdeen Area tribal communities. The Indian Health Service has included this project in their request for funding in 1992 under Special Health initiatives. The funding request was for $875,000.00 for four years, 1992 to 1996. We ask your consideration and support in this project which is introduced by Winnebago Tribal members for the benefit of all tribal members in the Aberdeen Area. We request you support the efforts of the Winnebago Tribe to combat the diseases of dysfunction and alcoholism which plague and destroy our culture and our future contributions to society.

Senate Bill 1270 has been introduced which would make available, nationally, ten million dollars to tribes for mental health programs. The Winnebago Tribe of Nebraska has identified this funding as necessary for the development of the Community/Family Recovery Training Model. So many of the problems of social services and mental health are tied-up in the dysfunction of families. This dysfunction can be directly traced to alcoholism. Many State, Tribal and Federal entities must come together to plan a project of this scope and significance, if it is become a workable reality. We request your support and pass S. 1270.

In closing, we urge the Subcommittee to address these six areas of unmet needs for the Winnebago Tribe of Nebraska. More funding for Economic Development, for Education, for water management and solid waste management, for Indian Child Welfare funding and special funding for child abuse and domestic violence on our reservation. We also urge support for law enforcement funding increases, support for a new Winnebago hospital, funding for the Winnebago Drug Dependency Unit, payment by Indian Health Service of FY 88 and FY 89 bills in the amount of $1,830,000, funding of 1.2 million for contract health services for FY 90 and funding for the Community/Family Recovery Training Model as part of the 1992 Indian Health Service Special Health Initiatives. Again, thank you for your consideration of our requests.

WEDNESDAY, MARCH 14, 1990

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

RICHARD RAMIREZ, TOHONO O'ODHAM NATION
EDWARD MANUAL
PERCY LOPEZ
MARY ANN ANTONE
AL RAMON
KENNETH WILLIAMS

Mr. RAMIREZ. Good morning, Mr. Chairman. My name is Richard Ramirez. I'm representing the chairman of the O'Odham Nation. I have with me a special delegation for appropriations: Mr. Edward Manual, Percy Lopez, Mary Ann Antone, Al Ramone, and Kenneth Williams.

Mr. Chairman, I'll try to briefly outline the request of the O'Odham Nation. The O'Odham Nation is requesting increases to the President's budget for fiscal year 1991 in eight areas: $324,000 to the Indian Health Service for a community-based diabetic program for the O'Odham Nation. The O'Odham people are afflicted by this disease. It affects about 18.3 percent of the total population. It is one of the highest in the area.

Secondly, an increase of $1,276,000 to the Bureau for construction to complete the O'Odham high school. The O'Odham Nation has worked in developing over a 10-year period a high school. Part of the plan was never completed. So we are requesting these amounts so that we can complete the high school and provide an environment for education.

Thirdly, an increase of $264,427 in the Bureau's budget for higher education to enable more O'Odhams to attend college. This would represent approximately 53 additions of students to college.

An increase of 117,000 in the Bureau's budget for an employment assistance program to meet the O'Odham need for an increase in adult vocational educational services.

No. 5, we are looking at an increase of $1,863,490 to the Bureau for road maintenance for safety and cost-effective means of improving the roads. We have approximately 325 miles of paved roads, 272 miles of unimproved/improved earth roads, and then 246 miles of unimproved dirt roads.

We're also requesting an increase of $7,068,772 to the Bureau for completing the water resource inventory that the O'Odham Nation has initiated over a three-year period.

We are also requesting an increase of $142,580 to the Bureau's budget for tribal government service to enable the O'Odham office to provide for an advocacy program. The O'Odham advocacy is handling a caseload of about 1900 at this point in time.

Also, as part of the Southern Arizona Water Rights Act, we have two new agriculture developments and one rehab. For the Chukuuk development we are requesting an addition to the Bureau in the amount of $7,287,480 for a small Bureau of Reclamation loan which would be forthcoming in the fiscal year 1991 period.

Mr. Chairman, I'm open to any questions. We have provided you additional information.

Mr. ATKINS. Thank you. I appreciate that.

Let me just raise—I don't know if you're aware that the National Kidney and Neurologic Disease Advisory Board just came out with their 1990 long-range plan and had a specific priority they placed on concern in tribal communities. I don't know whether you were here for the testimony earlier, but they have identified this for Health and Human Services as a priority.

Tell me, you have no—presently no program for diabetes prevention?

Mr. RAMIREZ. Mr. Chairman, we do have one, but, again, as I have stated, the O'Odham Nation is the highest—everyone is afflicted by this disease.

Mr. ATKINS. What resources now do you have for——

Mr. RAMIREZ. We have Indian Health Service funds and also we have Robert Wood Johnson grants for a two-year program. We're looking at a third year to continue this effort.

Mr. ATKINS. This funding would continue the Robert Wood Johnson monies that you have?

Mr. RAMIREZ. Yes, Mr. Chairman.

Mr. ATKINS. So it's already—it wouldn't be a new startup then; it's really a continuation of something that's been started by a private foundation?

Mr. RAMIREZ. Yes, in conjunction with an in-house service fund.

Mr. ATKINS. It would be helpful for the Committee, for the record, if you could submit some of the information that you have about the program from the Robert Wood Johnson Foundation. I'm sure they can pull together some materials to explain that.

Mr. RAMIREZ. Yes, sir. We will provide you that information.

[Material was not supplied to the Subcommittee at the time of printing.]

Mr. ATKINS. Thank you very much.

Mr. RAMIREZ. Thank you, Mr. Chairman, on behalf of the delegation. We appreciate it.

Mr. ATKINS. You're in Congressman Udall's district?

Mr. RAMIREZ. Yes, sir.

Mr. ATKINS. He's done, I know, a very nice job overall in Indian affairs. My first political campaign was his run for the presidency.

[The prepared statement of Mr. Manuel as presented by Mr. Ramirez follows:]

STATEMENT OF

EDWARD MANUEL, CHAIRMAN OF THE LEGISLATIVE COUNCIL
AND MARY ANN ANTONE, PERCY LOPEZ, ALEX RAMON,
AND KENNETH WILLIAMS, MEMBER OF THE LEGISLATIVE COUNCIL

TOHONO O'ODHAM NATION

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
MARCH 14, 1990

Mr. Chairman, the Tohono O'odham Nation recommends the following increases to the President's budget request for fiscal year 1991:

(1) $324,000 for the Indian Heath Service to fund a community-based diabetes program for the Tohono O'odham Nation;

(2) an increase of $1,276,000 for Bureau of Indian Affairs construction to complete the Tohono O'odham High School;

(3) an increase of $264,427 for the Bureau of Indian Affairs' higher education program to enable more Tohono O'odham students to attend college;

(4) an increase of $100,073 for the Bureau of Indian Affairs employment assistance program to meet Tohono O'odham needs for increased adult vocational education services;

(5) an increase of $1,863,490 for Bureau of Indian Affairs road maintenance for safe and cost-effective maintenance of all Tohono O'odham paved and unpaved roads;

(6) an increase of $7,068,772 for the Bureau of Indian Affairs to complete the Tohono O'odham water resources inventory; and

(7) an increase of $142,580 for Bureau of Indian Affairs tribal government services to enable the Tohono O'odham executive branch to expand its advocate program to meet increased case loads.

TOHONO O'ODHAM DIABETES PROGRAM

Diabetes mellitus is a major health problem and cause of suffering among the Tohono O'odham of Southern Arizona. Mortality from diabetes-related causes in the Tucson Area, which essentially is the Tohono O'odham Nation, is the highest of any area in the Indian Health Service. Diabetes affects some 18.3% of the population. In adults over 40 years old, rates exceed 40%. Twenty-five to thirty diabetes-related lower extremity

amputations occur annually, and the rate of patients with end-stage renal disease on chronic hemodialysis is 9 times higher than the national rate. Diabetic retinopathy rates are also high among the Tohono O'odahm. Present programs concerned with management of diabetes in the communities are grossly inadequate to meet the demand for services dictated by the high prevalence of diabetes.

This request is for funds to bring the care of patients with diabetes up to general standards of care and to implement innovative programs in community education for already-diagnosed diabetics. Currently, we do not have adequate resources to develop an innovative diabetes prevention, care and treatment system. There is no nursing position or nutritionist devoted to diabetes care. We have only 3 Community Health Representatives to counsel 1700 patients, as well as run clinics and keep registries of diabetes and diabetic complications. Additional resources can dramatically improve the level of services for these patients and can support efficient diabetes prevention and treatment activities through the establishment of a network of high quality, community-based clinics on the Tohono O'dham Nation.

TOHONO O'ODHAM HIGH SCHOOL

The Tohono O'odham Nation places a high value on education. The Tohono O'odham High School is in need of funds to complete construction. A feasibility study identified the need to have cottages built for students who reside more than an hour's bus ride from school. We have recently been advised by the Arizona Interscholastic Association that our playing fields may not be meeting the safety requirements. Our request includes funds for playing field development, adequate locker-room facilities, development of indoor facilities, and a sprinkler system. Quality instruction and learning require classroom facilities. Tohono O'odham High School, based on present enrollment, needs additional classroom space.

HIGHER EDUCATION PROGRAM

A major Tohono O'odham Nation priority is to provide quality academic education to increase the number of Tohono O'odham professionals. Currently, the Higher Education Services provide education opportunities, counseling and financial assistance to eligible members of the Tohono O'odham Nation. The number of applicants for higher education grants is steadily increasing while the program allocation is decreasing annually. The Tohono O'odham reservation is located in a rural area, which means a person wishing to enroll in a junior college or university must either relocate or drive over 100 miles a day for classes, either choice requires quite a lot of money. These funds will be used to further raise the educational level of our Tohono O'odham.

EMPLOYMENT ASSISTANCE PROGRAM

Insuring a brighter and secure future for the Tohono O'odham in vocational and academic preparation is largely dependant on appropriate funding. Unfortunately, this source of support is presently inadequate. Securing additional funding will enable the program to reinstate the secretarial position which is a very needed position to insure smooth and effective program operation, to fund new clients as described below, to purchase a much-needed computer or memory typewriter that would retrieve/disseminate pertinent program information.

The number of applicants has increased while at the same time the program budget has decreased. The increase in the number of applications means additional funding for the training which will enable applicants to compete for highly-skilled paying positions. Presently a high percentage of skilled labors is being recruited from outside the Tohono O 'Odham Nation.

ROAD MAINTENANCE

The Tohono O'odham Nation is requesting funds for the Papago Agency Roads Department. The Papago Agency Roads Department has the responsibility for the maintenance of roads on the reservation road system. Under its current budget, the Roads Department can only maintain a minimal amount of both paved and dirt roads, with school bus and medical routes receiving primary attention. The requested funds would be used to maintain 325 miles of paved roads, 272 miles of improved earth roads, and 246 miles of unimproved earth roads. In addition, air strip and bridge maintenance would be undertaken along with emergency maintenance due to flooding. Pavement repair, culvert replacement and equipment purchase, repairs and parts, rentals, striping and pavement sealing would be implemented to insure safer road conditions for the Tohono O'odaham.

WATER RESOURCES INVENTORY

The Tohono O'odham Nation Water Resources Study Program has funding which will permit the continuation of the study for another 28 months, if no other activities are added, such as core hold or test well drilling, and the number of wells pump-tested is reduced. An additional funding amount of $7,068,722.00 will enable the Program, through the drilling activities, to make an analysis of the subsurface geology and water production, probably the most vital information needed for the Study. Also, the pump testing of a greater number of wells could be accomplished. The Nation could then complete a more comprehensive inventory of its water resources. The final study and water maps will enable the Nation to plan for the wise use of and plan for the protection of its resources.

TOHONO O'ODHAM ADVOCATE PROGRAM

Since 1977, the Tohono O'odham Nation has provided advocate services for its members charged with criminal offenses to enable them to exercise their Constitutional right to counsel. Original funding came from the CETA program. Following termination of CETA, the advocate program was continued with Bureau of Indian Affairs funding under a 3-year 638 contract ending in 1987. Subsequently, the Nation has attempted to continue the program on a greatly reduced scale using both Bureau of Indian Affairs judicial services funds and Tohono O'odham Nation funds.

Presently the Advocate Program consists of a Director, an Administrative Assistant, two Advocates (one is temporary), and a Secretary.

Between October 1, 1988 and September 1989 the Advocate Program handled approximately 1,979 cases, broken down as follows: adult traffic-298; adult civil-53; children's civil-49; adult criminal-634; juvenile criminal-354; notarization and other-409.

Tribal members depend on and expect this vital service, and it is necessary that persons brought before the justice system have the right to counsel. The requested funds will permit the Advocate Program to continue its legal assistance program.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

SUE MASTEN, MEMBER, YUROK TRANSITION TEAM

Mr. ATKINS. You're a transition team?

Ms. MASTEN. Good afternoon. I'm Sue Masten, and I'm appearing on behalf of the Yurok transition team. Accompanying me today are two members, Sam Jones and Mrs. Sundberg Brown; also our executive director is Rita Goosebee.

We appreciate the fact that this subcommittee provided the $10 million Federal payment for the Hoopa-Yurok settlement act in fiscal year 1990. This year we are requesting another item provided for in the settlement act, and that is the purchase of land for the Yurok tribe. The settlement act authorizes not less than $5 million for land acquisition, a relatively small amount given the fact that we only retain 3500 acres of our 56,000-acre reservation.

None of the land that the tribe retains is river front. Such lands are critical to our fishery. Often the BIA has had to lease private river front lands so that our fishery can operate.

We have identified river access lands that are currently available, and we are requesting a $1 million add-on for such land acquisition. Acquisition of these lands may also allow the tribe the opportunity to develop commercial enterprises based on the fishery resource. We have applied for and have been informed that we will receive a grant for such economic development planning.

The surveys of our boundaries are inadequate. No one is exactly sure where the reservation begins or ends. The authorizing Congressional committees contemplated that the Department would provide for new surveys to accompany the division into the Hoopa-Yurok reservations. The BIA reprinted 100-year-old descriptions. As you probably are aware, our area contains some pretty tough terrain, and surveying is very difficult. We are requesting that the BIA be directed to expend $375,000 from its other real estate services account for presurvey audits which tell the BIA and Congress what new surveys will entail and cost. An alternative would be to provide the same funds as an add-on to the BIA budget request.

The transition team expects to go out of business in fiscal year 1991. We would be replaced by an elected interim council of the Yurok tribe. Unlike the team whose authority is limited, the council would, with some exceptions, have the same authority as other Indian tribal governments. There is no provision for funding the Yurok council in the BIA's budget request.

Because the council will face the major responsibility of drafting the tribal constitution and economic development plan with the BIA, and providing services to some 3,000 Yuroks, we believe that adequate funding should be earmarked for the council. An add-on of $500,000 to the new tribe's budget is requested. This will also protect other tribes in the Sacramento area.

As you may be aware, the process of implementing the settlement act is now running some 10 months behind schedule. Although the Yuroks and the Hoopas have had many disagreements

with the Bureau over how the act is to be implemented, a major flaw in implementation has been inadequate funding. It is estimated that the Sacramento area office is approximately $452,000 short of funds required for this funding year. Local estimates are that approximately $251,000 will be needed for fiscal year 1991. Yet, the BIA has identified only $133,000 under aid to tribal governments in its budget justification.

We are requesting add-ons for implementation. It is our understanding that the BIA may request a reprogramming of approximately $400,000 from the settlement account from fiscal year 1990 appropriations to cover implementation and expenses under the settlement act. Any residual in the Federal payment not required for individual payments or adjustments belongs to the Yurok Tribe.

If such a reprogramming is agreed to, the Yurok should be entitled to repayment of principal and payment of lost interest, and such repayments should be reflected in the fiscal year 1991 BIA budget.

Time only permits us to touch briefly on this specific appropriation issue. An overriding concern, however, is a larger issue, the future of our reservation. When our Indians first recorded contact with the Yuroks we were described as a self-sufficient people within our own lands. That is not true today. Our land base is grossly inadequate, and our critical resource, the Klamath River fishery, requires major development and rehabilitation.

Significant Federal resources will be needed to make the re-establishment of our reservation a true Yurok homeland. Because the fishery plays such a key role for us, we will be submitting a separate proposal in the near future.

We' like to thank you for your time and consideration.

Mr. ATKINS. Thank you very much.

I know Congressman Bosco has been very, very supportive of this effort. We appreciate all of his interest.

As you know and as you've heard earlier, our funds are meager and our claimants are many. So we will do our best.

Ms. MASTEN. Okay, thank you.

We will stand in recess until 1:30 p.m.

[The prepared statement of Ms. Masten follows:]

Sue Masten, Member, Yurok
Transition Team, California
March 14, 1990.

P.L. 100-580, the Hoopa Yurok Settlement Act, divided the former Hoopa Valley Indian Reservation between the Hoopa Tribe, and the Yurok Tribe, and delineated separate reservations for each Tribe. The Yurok Tribe has long been a federally recognized Tribe, we have, however, not been formally organized, and the Settlement Act provides for the formal organization of the Tribe and the creation of the Yurok Transition Team as an interim entity to aid in the process. Our testimony today focuses on the Budget for the Department of the Interior, Bureau of Indian Affairs relative to: (1) a $1 million dollar Miscellaneous Payments to Indians add-on for acquisition of land pursuant to P.L. 100-580 ; (2) either a $375,000 add-on to, or direct the BIA to allocate $375,000 for pre-audit surveys of the Yurok Reservation from, Other Real Estate Services; (3) A $500,000 add-on for the Yurok Interim Council from New Tribes Funding, Tribal Services Budget Activity and; (4) direct the BIA to allocate an additional $118,000 in FY'91 (as well as a supplemental of $452,000 for FY '90) to implement P.L.100-580 under Aid to Tribal Government.

In addition to these specific FY'91 Appropriations requests, we wish to make the Committee aware that a reestablished Yurok Reservation, with its labor force unemployment rate of 73 percent, will require significant investments in order to provide a adequate land base, to provide for meaningful economic development, and to enhance the Klamath River fishery. These are items that we expect that the formally organized Yurok Tribe will have specific proposals for the Committee to consider in future years.

1. $1 million add on to Miscellaneous Payments to Indians (BIA FY '91, Budget Justification, page 308) P.L.100-580 provides a complex process whereby the undistributed accounts of the Hoopas and Yuroks are combined with a the federal settlement account contribution of $10 million, appropriated in FY'90, form the basis for specified payments to individuals, as well as payments to both Tribes. The Senate Report (S. Rpt. 100-564, 100th Cong., 2nd. Sess.) accompanying P.L. 100-580 estimated that the Yurok Tribe would receive approximately $23.5 million (which maybe over estimated) once it is formally organized. This payment, along with the assets of the designated Yurok Reservation, and the authorization of the of at least $5 million for additional land acquisition are collectively to serve as the just compensation required under the fifth amendment to the U.S. constitution for the Yuroks to give up claims on the assets and settlement fund share that the Hoopa Tribe receives from the division of the joint reservation. Although the Yurok Reservation encompasses approximately 56,000 acres, including the Klamath River fishery, only 3500 acres of the Reservation are held in trust for the Tribe. The vast majority of the reservation (over 30,000 acres) are owned in fee by private Timber Companies. Tribal lands are scattered, almost randomly, through out the reservation; importantly none of the tribal acres are on the vital Klamath River or even have river access. In order to operate the Yurok fishery, which is the primary economic resource of the Yurok people, it has been necessary for

the Bureau of Indian Affairs to lease private lands at the mouth of the River. We have identified five parcels of land, (descriptions of which are provided as Attachment A) that may be purchased and would enable the Yuroks to have river access for our fishery and would allow us to begin the process of economic development relative to the fishery resource. Given the current situation, we can only as individuals catch and sell fish to non-Indian fish buyers. We can not yet become involved in purchase, storage, processing, or any aspect of the larger fishery business without the appropriate lands. We are requesting a $1 million dollar add-on which should allow the purchase of at least three of these parcels. Although we generally would defer land acquisition decisions to the time when the Yurok people have elected their representatives, these lands are so crucial to the Yurok fishery that is central to the Yurok people, that action is required now. We have also applied for, and have been informed that we will receive, a grant from ANA that will allow for economic development planning for these lands, as well as a economic resource inventory of the reservation. As you are aware, our local Congressman Doug Bosco, as well as the Budget reports of both the House Interior & Insular Affairs Committee and the Senate Select Committee on Indian Affairs supports this $1 million add on for this land acquisition.

2. **$375,000 for pre-survey audits of Yurok Reservation** (Other Real Estate Services, BIA FY '91 Budget Justification, page 220) On May 5, 1989, the BIA published a description of the Yurok reservation and the boundary between it and the Hoopa Reservation in the Federal Register (Vol. 54, No. 86, at 199465-6). This description merely repeated survey descriptions from the late 19th Century. The critical dividing line known as the Bissell-Smith line was surveyed in 1888. The Senate Committee Report on P.L. 100-580 (S.Rpt 100-564) indicated "concern that the Department does not have adequate survey(s)" for the Yurok Reservation and "therefore expects the Department will conduct all necessary surveys... ." Adequate surveys are critical for any economic planning, as well to identify actual ownership patterns, as well as to determine in some real situation who is located on Yurok and who is located on Hoopa. As you may be aware the terrain of Northern California and of the Klamath River area in particular makes surveying difficult, and hence expensive. We believe adequate surveys to be critical to the reservations future. Much as we have tried, we have been unable to obtain reliable estimates for the costs of the actual surveys. We have been able to identify that what is required is at this point is pre-survey audits. This process will identify the scope of the survey required and the costs. We request $75,000 for a pre-survey audit of the Bissell-Smith line, and $300,000 for a pre-survey audit of the exterior boundaries of the Yurok Reservation for a total of $375,000.

3. **$500,000 add-on to New Tribes allocation** (BIA FY '91 Budget Justification, page 67). The Yurok Transition Team's funding of $500,000 for our limited functions comes directly from the Settlement Accounts. The Teams responsibilities end when the Interim Council is established (elected); this effort was originally projected to occur in July 1990; however the implementation process (see number 4. below) is now expected to

be ten months behind that original schedule. We therefore anticipate that the Interim Council would come into existence in FY '91; probably not before March 1991 and perhaps as late as June 1991. Unlike the Transition Team, the Interim Council is to perform the full panoply of powers and responsibilities normally associated with an Indian Tribe (with the limitation that contracts cannot bind the Tribe for more than 2 years, see P.L. 100-589, section 9 (c) & (d)). In addition the Interim Council has the specific tasks of preparing the draft constitution of the Yurok Tribe, and preparing, with the BIA, the Reservations economic development plan. No funds are identified in the FY '91 budget for the Yurok Tribal Government to come on line. Our experience on the Yurok Transition Team indicates that extensive and frequent community consultation will be critical to both tasks. Because the of the legacy of the Short litigation, and the overwhelming distrust of the BIA, outside legal expertise, and economic planning expertise will be required. Although the Yurok Tribe technically is not a new tribe, we have been a federally recognized tribe since the 19th Century. We have not been formally organized and have not been directly receiving significant federal Indian services. As you are well aware, partially because of P.L. 83-280 and partially a residual effect of the massive termination effort in California, California tribes generally receive fewer federal Indian services than is the norm. Those federal Indian services that have in the past been provided were provided reservation wide (to the then combined Hoopa and Yurok territories) and either by the BIA or often through the Hoopa Tribal government. In effect the Yurok situation is unique, and for budget purposes could easily be treated as a New Tribe for initial funding. New Tribe treatment would also serve to provide some funding protection for the other tribes in our region whose funding could be affected if the BIA had to draw Yurok funding from its normal allocation for the Sacramento Area. It is anticipated that the Yurok Tribe will be one of the largest, if not the largest tribe in California. $500,000 is an estimate based on the extensive work that the Interim Council is to perform during its one-third to one-half of the fiscal year.

(4) Direct the BIA to allocate an additional $118,000 in FY'91 (as well as a supplemental $452,000 for FY '90) to implement P.L.100-580. (BIA FY '91 Budget Justification - Aid to Tribal Government, page 69) P.L. 100-580 was to bring to an end some thirty years of protracted litigation and underlying disputes between the Hoopa Tribe, the Yurok Tribe, and various individual Yuroks and Hoopas. These disputes had severely inhibited the Yurok Tribes' ability to organize, and as such no entity legally representing the Yurok people, participated or agreed to P.L 100-580. It has been a very controversial settlement in our communities. In this context it was and is imperative for the BIA to effectively implement the provisions of the Bill relating to the development of the settlement roll, so that the Yurok Tribe may be organized, and as such represent and advocate for the interests of the Yurok people. Delay only adds to confusion and mistrust. Each year the BIA has allocated insufficient funds and personnel for implementation. We have spent much of the last year trying to assist the Sacramento Area

30-252 O—90—7

is receiving additional allocations from the Central Office. The task of the Area Office under the Act is massive. It was to review 8557 applicants for the Settlement roll applying a fairly intricate set of alternate criteria adopted by Congress from the federal court decisions in the Short cases. According to our best information, as of March 5, 1990, the BIA had completed reviewing 5696 applications (2/3 of the total) and has 1176 applications in process, and has yet to begin the review of the remaining 1685 applications. Once the Settlement Roll is established the BIA has other remaining tasks: the appeals process, notification of Settlement Roll individuals of their options; an informational role along with the Transition Team to adequately inform applicants of the consequences of their choices; calculation of settlement amounts; the actual making of payments to individuals on the Settlement Roll, as well as all the steps necessary to elect an Interim Yurok Tribal Council. The Hoopa Valley tribe and the Yurok Transition Team are in agreement on how the BIA should proceed and have adopted two joint resolutions recommending an BIA/Joint Tribal Task Force to oversee remaining implementation steps, new date/goals for task completion, and recommending funding levels for BIA Sacramento. (copies of which are provided in Attachment B). We are aware that several alternative means have been discussed for supplementing the FY'90 Sacramento Allocation; as noted a first choice would be for the BIA to request a supplemental appropriation. Ranked lowest among our funding alternatives is a proposal to allow the BIA to reprogram (borrow) a portion of the $10 million Settlement account appropriation. While we do not know exactly what form such a request may take, it is important to note that under the Settlement Act, the residual balance in the Account is the property of the Yurok Tribe. To the extent that Congress may permit our funds to be used for FY '90 BIA administration, provision should be made to fully reimburse the Tribe for such a loan in the FY '91 Appropriation -- principal and such interest that would have been earned.

5. **Long Term Issues** When P.L 100-580 was passed there was great Congressional concern that the Yurok share of the then jointly held reservation be fair and adequate. Whatever Courts may ultimately decide with respect to the just compensation issue, it is clear to us that there are several major flaws in the assets received by the Yurok Tribe. First and foremost, the reservation does not contain a adequate land base for several thousand Yurok Indians. In addition there is almost no economic development on the reservation. The key resource of the Yuroks -- the fishery -- has been subject to the effects of logging and water projects for years and in serious need of enhancement. Significant investments in each of these areas will required over a multi-year period.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

ROLEEN HARGROVE, VICE CHAIRMAN, PUYALLUP TRIBAL COUNCIL
RODNEY SMITH, DIRECTOR OF THE HEALTH PROGRAM
DON RENWICK, CHIEF LESCHI SCHOOL

Mr. DICKS. The committee will come to order.

We have a very ambitious schedule this afternoon, and we're going to try to stay on schedule as best we can. I would ask everybody's indulgence to try to stay within the time allotted. I'm going to let you all know when there's one minute to go in your presentation, so that in fairness to everybody, especially those at the end of the schedule, so we can try to stay as close to being on schedule as possible. The way it's planned, we'll go until about 4:30.

Let's open with the Puyallup tribe from the great State of Washington, Roleen Hargrove, vice chairwoman.

Roleen, it's nice to have you here.

Ms. HARGROVE. Thank you very much.

Mr. DICKS. You can bring your group here and introduce them for the record.

Ms. HARGROVE. Thank you, Mr. Chairman.

Today I have with me the director of our health program, Rod Smith, and our facilities coordinator, Don Renwick from Chief Leschi School.

Today we're covering three areas—oh, excuse me, and I am Roleen——

Mr. DICKS. We'll put your entire statement in the record and——

Ms. HARGROVE. Yes.

Mr. DICKS [continuing]. You may summarize.

Ms. HARGROVE. I am Roleen Hargrove, vice chair for the Puyallup tribal council. I will highlight today for you the areas—I know we are short on time—the areas that we will be covering. Those include law enforcement, the Indian community clinic, and Chief Leschi School.

To begin with is our law enforcement. As you're well aware, Mr. Chairman, we are in the process of finalizing our intergovernmental cooperative agreements among the various jurisdictions as called for in our settlement agreement. I just talked with staff prior to coming into the meeting this afternoon, and they stated that they are scheduled to meet with the local jurisdictions out there this afternoon on the remaining issue, which is insurance. They're very confident that we'll be able to resolve that issue today.

What we're looking at from the Congress is an increase as a result of those agreements in our law enforcement area. Not only is it going to benefit the Puyallup tribe, but the other Indians of the area and the community as a whole. We are coming to you requesting $216,000 for six additional full-time officers, and this is just very minimal. In that, included also is additional equipment,

training, and a one-time request of $300,000 for minimal jail renovations.

I'm sure you can appreciate the areas that we are dealing with. I just want to give you a couple of examples of what we currently have for existing officers that are on staff and, as an example, what they've gone through in the year 1989.

They investigated, responded to, and prosecuted 800-plus incidents. In addition to that, they had 2,025 other public service calls for assistance and other calls out of their jurisdiction. It's estimated that 30 percent of those calls could have been handled by our tribal police, but we were unable because of lack of staff.

With that, I just wanted to let you know that——

Mr. DICKS. I understand.

Ms. HARGROVE [continuing].that is a very——

Mr. DICKS. We'll see what we can do.

Ms. HARGROVE. Yes, it's a very large need.

Again, I will move on to the community clinic and defer to Rodney on that one.

Mr. SMITH. Thank you, Mr. Chairman.

Addressing the issue of sovereignty and disparities between clinics operated by the Indian Health Service and the clinic operated by the tribe, we are currently at a disparity between our salaries for professional staff and those that would be given to Indian Health Service staff in the amount of $1,154,583. This disparity either needs to be made up within the Indian Health Service existing budget or some kind of special appropriation is going to have to be delivered to deal with this problem.

The Puyallup tribe, even though it sponsors a clinic, has only 10 percent of the services delivered to tribal members. Clearly, over 90 percent of our services are delivered to the over 10,000 Indian people residing within Pierce County and beyond, representing over 130 different tribal groups.

We are maintaining that our situation as the first 638 tribally-managed health care program is unique and is not the same as other 638 programs within the United States facing similar problems. Ours was the first start-up program as a new program; it was not an assumption of an existing clinic.

Mr. DICKS. You have one minute left in your presentation.

Mr. SMITH. With that, I'm going to close.

Mr. DICKS. All right, good.

Mr. RENWICK. In 1982, Chief Leschi School was slated to be closed. In 1989, it was recognized nationally by the Bureau of Indian Affairs as an exemplary school and by the Department of Education for its drug-free school recognition program. In 1982, there were 133 students K-12; presently, 474 pre-K through 12.

Of that, 47 percent of our student body is Puyallup; the other 53 percent represent 52 other federally-recognized tribes. The elementary school at the moment has 86 unhoused students in modules. The middle school and high school are on the second and third floors of the old Cushman Hospital Building, which was built in the 1930s and does not meet modern standards, and is extremely difficult to renovate.

Mr. DICKS. What's your bottom line?

Mr. RENWICK. The bottom line is that we've expanded as far as we can go within the middle school and high school. We need a newer facility.

Mr. DICKS. All right. Well, we'll have a chance to talk to our staff about this.

Ms. HARGROVE. Yes. Mr. Chairman, what we want to do, in regard to Chief Leschi School, is more informational. We are currently in the process of applying for a new facility.

Mr. DICKS. Good. We'll stay in touch. We'll see you in two weeks.

Ms. HARGROVE. Okay.

Mr. DICKS. If not before.

[The prepared statement of Ms. Hargrove follows:]

PUYALLUP TRIBAL

TESTIMONY

BEFORE

HOUSE APPROPRIATIONS

COMMITTEE

MARCH 14, 1990

PRESENTED BY: ROLEEN HARGROVE, VICE-CHAIRMAN
PUYALLUP TRIBAL COUNCIL

TESTIMONY TO THE SUB-COMMITTEE ON APPROPRIATIONS

There are three major areas of concern that we are presenting to you today. They include our outstanding need for additional Law Enforcement funding; funds for the Indian Community Health Clinic; and funds for a new school.

Law Enforcement: The Puyallup Tribe is located in an urban setting in Tacoma, Washington. Tacoma, and the surrounding area, has a total population of approximately 150,000 residents and 8,000 Indians. Between 3,000 - 4,000 Indians, and approximately 20,000 non-Indians, reside within the boundaries of the Puyallup Indian Reservation, (see Reservation Map attached hereto).

Current federal funding provides for two land officers and two fishery officers at approximately 1/2 the salary of comparably sized State agencies; with no dispatchers. Therefore, trained officers do not stay and new recruits are difficult to find.

The Tribe needs a minimum of six additional full-time officers with comparable pay and benefits with surrounding law enforcement agencies; additional equipment; training; and $300,000 for minimal jail renovations.

Due to the understaffing of the law enforcement division, existing officers are on call 24 hours per day, seven days per week. Because of this untenable stress, dangerous situations can more easily become volatile; performance suffers.

Without comparable salaries, additional staff, and detention renovations, the Tribe will not responsibly meet its law enforcement obligations, especially in light of the enlarged land base resulting from the Puyallup Land Claims Settlement. The Settlement will increase tribal, and tribal member, trust lands from 400 acres to 1300 acres.

During 1989, the four existing Tribal Police Officers responded to, investigated, and prosecuted 800 plus incidents. This is in addition to 2,000 to 2,500 other public service calls for assistance, and other calls out of their jurisdiction. It is estimated that 30% of calls that could have been handled by Tribal Police were not processed, due to lack of staff.

The Puyallup Land Claims Settlement calls for cooperative law enforcement agreements with other jurisdictions to carry-out law and order within the original boundaries of the Puyallup Reservation. The Tribe is in the final stages of development of these law enforcement agreements with the various jurisdictions, which include cross-deputization of officers. This cross deputization is the first cooperative effort of this type in the Northwest, and will allow for more comprehensive law enforcement within our jurisdiction. However, to successfully fulfill our part of the agreement, we will require additional staff; thus the need for additional funding.

Of primary concern is the need to stop the severe drug and drug-related activity on lands located within the Tribe's exterior boundaries, which encompass some 23,000 acres. The Tribe also has responsibility for fishery law enforcement over some 100 square miles of water.

Indian Community Health Clinic: The Indian Community Health Center has been operating a comprehensive health care delivery program for fourteen (14) years under a self-determination contract - the first of its kind in the nation. Base funding, during this fourteen (14) year period, has not increased proportionately with the increased population

in need, increased operating costs or increased personnel costs. In the last six years alone, the base funding has only increased at about 3.5% per year, well below average inflation for health care costs. In order to meet our basic operating costs, personnel have been denied the salary levels appropriate for their positions. (EXHIBIT 1)

Despite the fact that this program has been underfunded and understaffed, the Indian Community Health Center has maintained high quality services that have been recognized by the Joint Commission on the Accreditation of Health Care Organization (JCAHO) for a second term. This was the first Indian-managed health center in the nation to receive such accreditation.

The Indian Community Health Center, after fourteen (14) years or perseverence, has finally entered into the design phase for a new health center to serve the growing Indian population in Pierce County, Washington. Our plans for the new health center include a staffing package for 42 additional staff and increased services. Due to our inadequate funding base, we will be forced to first take care of salary inequities that exist with current staff. In effect, we will be unable to fully staff the new health center with funds meant for this purpose. The impact will be a staffing package at 60% level of need. Additionally, Indian Health Services representatives warn us that we will be lucky if the new staffing package is funded at the 75% level. If this scenario is played out, we would end up with only a 45% level of staffing need.

Difficulty in recruitment and retention of professional level staff has been realized in all areas of program operation. Because we cannot meet comparable wages, over the past three years the Medical Clinic has experienced a 31% turnover rate; we are currently in danger of losing a Native American physicians assistant; registered nurses have been difficult to recruit; a pharmacist employed with the clinic for three years has tendered a resignation; an Indian counselor for the Alcohol/Drug Treatment Program has resigned after three plus years; during this past year, Mental Health programs have experienced an overall turnover rate of 77%; the Dental Clinic experienced a staff turnover rate of nearly 40%.

In summary, the Indian Community Clinic simply cannot expect our loyal staff to continue employment with us without some parity with I.H.S. and the private sector. This has led to impaired health care delivery, dramatic staff turnover, recruitment problems and a shift to crisis management over several years. The situation worsens with each fiscal year. If corrective action is not taken, the current operational deficiencies will escalate. It is evident that we are not competitive and turnover rates will continue to be an interruption in care, as well as quality of care. Despite these hardships, 40% of our staff have remained in our employ for more than five (5) years.

the Portland Area Director of Indian Health Service is fully aware of our dilemma and supportive of our efforts to correct the salary inequity problem. Although the Indian Health Service is sympathetic to our needs, they are unable to respond with additional financial support. The only available alternative for the Indian Community Health Center is to request a recurring Congressional line item appropriation. This is to ensure that the new health center will be staffed adequately, as was the intent of the allocated 42 new positions.

The following is an excerpt taken from an I.H.S. publication entitled Indian Health Service Accomplishments Fiscal Year 1988 in which it is stated under their major areas of continuing concern that: "Tribes are entitled to be funded for direct and indirect costs at a level that is not less than would have been provided if the I.H.S. had operated the program during the contract period."

The unique situation under which the Indian Community Clinic was established has placed us in a precarious position for lack of adequate funding to staff to operate our programs. Because we were the first tribally-managed program under the P.L. 93-638 mechanism (1976), we were a start-up program and not an assumption program taking over already existing I.H.S. functions with an existing funding level. Though there is this unique and important difference in our position and that of take-over '638 projects, the I.H.S. has, through the years, applied a methodology for allocation of program funds to all '638 projects across the nation. Due to the compounding inflationary factor over the years, as a start-up program, we are thrust into a system of resource allocation methodology that is most unfair to our program.

Considering the base funding at inception in 1976, and making only necessary adjustments to account for inflation of health care operating costs, increased service population and salary levels necessary to recruit qualified personnel, it is requested that Congress appropriate the necessary funds to add to the current contract in the amount of $1,154,538.

Chief Leschi Schools: Chief Leschi Schools (registered as the Puyallup Tribal School), are operated by the Puyallup Tribe of Indians under at 93-638 contract. Serving Pierce County and parts of King and Thurston counties, our pre-K through 12th grade student body represents 53 federally recognized Tribes, and are housed in three separate schools. Chief Leschi Elementary School (pre-K to 5) is housed in an 8 classroom building built in 1978, Chief Leschi Middle School houses the 6th, 7th, and 8th grade students on the 3rd floor of the Puyallup Tribal Administration Building. Chief Leschi High School houses the 9th through 12th grade students on the second floor of the Puyallup Tribal Administration building.

Chief Leschi Schools were in danger of being closed for improper operating procedures and poor quality of education in 1982. Since 1983, the schools have undergone a rebuilding process that has brought recognition at the national level from the Bureau of Indian Affairs for an Exemplary education program. The U.S. Department of Education recognized Chief Leschi for their work in substance abuse prevention/education/treatment program through it's Drug Free Schools Recognition program (the only Native American school in the Nation and the only school in Washington State to have been awarded this honor). During this time the student body has expanded from 133 students in 1983-84 (K-12) to 474 students in 1989-90 (pre K-12). Through the rebuilding of their reputation, Chief Leschi Schools have become a model for the Native American peoples in education of their young.

The growth of the student body as evidenced in the enrollment projections submitted, (W. Carl Stegman and Associated, 1990.) show that by 1995 the schools will have a student population of 770 students and this will grow to 1,296 students by the year 2000. Currently our facilities at the Elementary School are overcrowded and approximately 86 students being served in modular buildings (considered unhoused by BIA standards). With the pre-school having 56 students in program and a waiting list of 35, we will see a Kindergarten class of 91 students in 1990-91 with classes each for grades 1, 2, 3, and 4 for the same year. More modules are tentatively planned to be purchased to serve the needs of these students.

The High and Middle School students are housed in a building originally designed to serve as an Indian hospital and was built in the early to mid 1930's. The plumbing and electrical systems are outdated and the type of construction (brick with steel wire lath with cement type plaster) are difficult to work with during renovation and remodeling projects. In FY 1988 $41,000.00 were provided to renovate the third floor to add classrooms, more restroom

facilities, and a lunch room to handle the Middle and High School students. These funds were expected to allow for the renovation of the north wing of the 4th floor to house the expanded school Library. These funds proved to be inadequate to finish the work on the 3rd floor alone, and required expenditure of some $20,000.00 out of O&M funds to finish the work. The cost of renovation for this building runs 50% - 100% higher than a comparable building of the 1960's to present. The gym facilities are in a metal out-building with a concrete floor that has required approximately $25,000.00 in renovation to be suitable for league competition. The concrete floors remain and there are no shower, restroom, or drinking facilities available in or near the gym.

All lunches for the 474 students are prepared in the Elementary school kitchen facilities and transported to the other school lunchroom. The kitchen facilities were designed to feed 200 people at maximum and are feeding in excess of twice that number. With the projected increase for the next 5 years, these facilities will become inadequate within 2 years.

The High and Middle Schools have just added 5 classrooms and have reached their space limit. They will reach their maximum student load by 1993, and 1994 respectively, with no room for expansion or for modular buildings.

Added to the costs for extensive structure modification of the old hospital building that now houses Tribal Administration and school facilities, are the costs that will be born if the asbestos present, has to be removed and replaced. According to the asbestos management plan done by a company hired by the BIA, it will require $3.6 million to remove the building material containing asbestos. This does not include the cost of replacement materials or labor to refinish the areas affected.

The costs for renovation/remodeling, removal of hazardous materials and the limitations on space, make it imperative to seek other facilities soon.

Finally, to respond to the question of housing the surplus of students in the public schools, we can only make the following statements: The Tribal Schools were created in the 1970's because it was readily apparent that the public schools were not meeting the needs of the Indian students. The discrimination, both overt and covert, was impeding the educational process of those students. The schools were set-up under Indian control to address the culturally relevant/sensitive areas of education for their youth. The Puyallup tribal schools have risen to become a model for the rest of the nations tribally controlled schools. They have led the fight against substance abuse, and have received national recognition for this effort. For the nation to tell these students that the BIA mission statement is false and that they must attend schools that have been declared inadequate to serve their needs, cannot be entertained and must not be considered.

We appreciate the opportunity to present this testimony, and thank-you for your consideration of our request. More detailed information, documenting they outstanding need for funding, has been given to your staff.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

JOSEPH B. DeLaCRUZ, PRESIDENT, QUINAULT INDIAN NATION

Mr. DICKS. Quinault Indian Nation, Joe DeLaCruz?

Joe, nice to have you here.

Mr. DELACRUZ. Thank you, Mr. Chairman.

I yield my time to all the rest of these tribes if you'll support my request.

I've briefly laid out—I'm Joe DeLaCruz, for the record. I'm president of the Quinault Indian Nation. The Quinault Nation is one of the original self-governed demonstration projects that this committee established Public Law 101-472 on.

We put together total needs as we move into self-governance of the very shortfalls in the Bureau and Federal budget. We've highlighted the areas as we move into this negotiation that would give us the base funding.

In my testimony I point out that we are self-governing tribes who have not heard from the Bureau or Secretary of Interior to begin negotiations. We're in our third year of the self-governance demonstration project. I want to correct what's written in my testimony. As of yesterday, Secretary Lujan has called and has given us three tentative dates where the tribes can meet for the first negotiation.

One area that I'm very concerned about on a regional-national basis is the Indian health funding, $1.4 billion. The tribes came before this Committee supporting Indian health budgets, supporting the elevation of Indian health, and what we ended up with after all that support was a trickling up of money for elevations of personnel. I note in your 1991 appropriation request it's $999 million for health administration. With inflation and everything else, health services are diminishing terribly in Indian country.

Another area that—I don't know whether it's within this Committee—that I'll highlight on a regional basis is the Administration's America the Beautiful reforestation program. I'm requesting that the Committee work to see if $10 million of that can be designated to the United States Forest Service for the Alaska Natives for their reforestation programs.

I would hope that the Committee would take a strong look at this testimony, if we move into the negotiations on self-governance. I've highlighted the areas that the Bureau has shortfalls, where they've deleted in their budgets across the board, as we analyze the 1991 appropriation request. As you can see, Quinault's needs alone, are probably $1 million to $1.4 million across the board. This is to basically give us the base funding to take care of the needs as a self-governing tribe.

It's kind of ironic when I look at the testimony, that the Bureau basically has supported self-governance, but yet they're asking for $9.2 million for a consolidated government program. So I have a question and am going to take a strong look at this and what we've analyzed and what we're recommending.

Mr. DICKS. Joe, thank you very much. We'll put your entire statement in the record. We'll go through this. Obviously, we'll be in contact with you as this year develops. We'd like to know what the results of your meeting with the Secretary——

Mr. DELACRUZ. Thank you.

Mr. DICKS [continuing]. Which is certainly overdue.

Thank you.

[The prepared statement of Mr. DeLaCruz follows:]

Quinault Indian Nation

POST OFFICE BOX 189 ☐ TAHOLAH, WASHINGTON 98587 ☐ TELEPHONE (206) 276-8211

Testimony of
Joseph B. DeLaCruz, President
Quinault Indian Nation
Presented to the
House Interior and Related Agencies Appropriations
Subcommittee Hearing
on the
Fiscal Year 1991 Appropriations for BIA & IHS
March 14, 1990

Summary of Local Tribal Appropriations Priorities

1. Opportunity to return to this Committee after negotiations completed for a Self-Governance Compact Agreement between the Quinault Indian Nation and the United States. As the BIA still has not provided any proposal to reduce its operations and transfer resources to the Quinault Nation as required in Title III of P.L. 100-472, the following proposed appropriations increases are designed to establish an operational budget base for the Nation.

2. Increase of $125,000 for Quinault law enforcement added to BIA Tribal Services Tribe/Agency Base.

3. Increase of $80,000 for Quinault judicial services added to BIA Tribal Services Tribe/Agency Base.

4. Increase of $200,000 for Quinault social services added to BIA Tribal Services Tribe/Agency Base.

5. Increase of $75,000 for Quinault substance abuse counselors added to Tribal Services Tribe/Agency Base.

6. Increase of $50,000 for Quinault higher education and adult education added to BIA Education Tribe/Agency Base.

7. Increase of $100,000 for Quinault special education services added to BIA Education Tribe/Agency Base.

8. Increase of $800,000 for new Queets River hatchery facility to address all aspects of salmon propagation cycle in cooperation with the State of Washington added to BIA Wildlife and Parks Tribe/Agency Base.

9. Increase or designation of $300,000 for Planning/Engineering for Quinault Sockeye Egg Incubation Facility and Spawning Channel in cooperation with the USFS Olympic National Forest in BIA Construction.

10. Increase of $235,000 for Quinault Fisheries Operational budget added to BIA Wildlife and Parks Tribe/Agency Base.

11. Designate $200,000 of the proposed $2 million BIA Forest Development Program increase for Quinault forestry operations from BIA Natural Resource Development Forestry Tribe/Agency Base.

12. Designate $120,000 from Forest Protection Funds to replace dated Quinault forestry fire equipment from BIA Natural Resource Development.

13. Increase or assign one BIA FTE Real Estate Appraiser to BIA Olympic Peninsula Agency to address needs created by P.L. 100-638.

14. Designate $75,000 for Quinault Forest Management Inventories program from BIA Natural Resources Development added to Forestry Tribe/Agency Base

15. Designate $65,000 of BIA Indian Integrated Resource Information Program for Quinault Geographic Information System Operations Added to BIA Natural Resource Development Forestry Tribe/Agency Base.

16. Direct the USFS to comply with the provisions of P.L. 100-638 in the computation/allocation of proceeds from Special Management Area Lands.

Summary of Regional Requests and Recommendations

* Increase of $198,000 for U.S. Section of Pacific Salmon Commission of U.S./Canada Pacific Salmon Treaty added to BIA Wildlife and Parks base.

* Increase of $62,500 to the U.S. Fish and Wildlife Service to establish/maintain U.S. data base for U.S./Canada Pacific Salmon Treaty.

* Restore $2 million for Timber-Fish-Wildlife program and increase to $2.86 million for FY91 added to BIA Wildlife and Parks Tribe/Agency Base.

* Increase Unresolved Hunting and Fishing Rights account in Wildlife and Parks to $500,000 to address complex co-management issues such as shellfish and hunting.

* Restore/increase Tribal Hatcheries Cyclical Maintenance to $250,000 for FY91.

* Increase IHS Portland Area Office Contract Health Care to address chronic shortfall of available medical/dental treatment.

Summary of National Requests and Recommendations

* Restore the $4 million reduction for BIA Tribal Services Tribe/Agency Aid to Tribal Government.

* Restore the $1.6 million reduction for BIA Fish Hatchery Rehabilitation and increase to $2 million in FY91 added to BIA Construction base.

* Direct the BIA/IHS to provide complete Cost of Living Adjustments for Tribal and Indian Organization contractors under P.L. 93-638 and P.L. 100-472.

- Restore the $540,000 reduction in BIA Natural Resource Development Forestry Tribe/Agency Account.
- Increase of +$250,000 for the American Indian Trade and Development Council nationwide marketing initiative in BIA Economic Development Program.
- Increase BIA Indian Business Development Grant Program to $15 million to address nationwide needs.
- Restore $3.1 million reduction for BIA-JOM to FY90 level.
- Restore the $1.36 million reduction for BIA Scholarships to FY90 level.
- Restore the $1.3 million reduction for BIA Welfare Assistance and increase to address unmet needs in the Pacific Northwest.
- Restore the $1.5 million for BIA Continuing Education.
- Restore the $59 million reduction for IHS facilities construction.
- Increase BIA Indian Child Welfare Grant Program to address nationwide unmet needs.
- Designate $10 million from the USFS new "American the Beautiful" Reforestation initiative for American Indian Tribes and Alaskan Native Villages.

Tribal Self-Governance: A Potential Reality Despite The BIA

I am Joe DeLaCruz, President of the Quinault Indian Nation. I come before this Committee today with mixed emotions of frustration and anticipation. As one of the original Self-Governance Demonstration Tribes identified by this Committee in December, 1987, I am frustrated with a $1.4 billion dollar BIA bureaucracy which refuses to comply with your Committee directives and the authorization of Title III of P.L. 100-472. The BIA has never supported self-governance, yet mysteriously finds $9.2 million dollars for a new FY91 line item entitled Consolidated Tribal Government Program (CTGP). After two and one-half years, the BIA has yet to provide any meaningful proposal to transfer resources to the self-governance Tribes. The Quinault Indian Nation, along with the Hoopa, Lummi, and Jamestown Klallam Tribes, sent a letter to Interior Secretary Lujan over a month ago requesting a pre-negotiation meeting, copies of Congressionally-directed budget information, and the designation of an independent negotiator for the United States. Since the BIA cannot be expected to respond in good faith, my testimony appropriations requests for FY91 establish an operational program base for the Quinault Nation. Given the achievement of a Quinault Self-Governance Compact Agreement over the next several months, I request the opportunity to present this Quinault-United States agreement to this Committee in the future.

I am filled with anticipation for a future of Tribal Self-Governance allowing the Quinault people to manage their own affairs. I am heartened by the recent bold FY91 budget recommendations of the Senate Select Committee on Indian Affairs to increase the Federal budget for American Indians by one billion dollars in FY91. I request that any

major increases in BIA or IHS appropriations in the future be designated for Tribal governments and Alaskan Native Villages rather than the ever-expanding bureaucracies.

A Comprehensive/Integrated Approach To Tribal Services

As we proceeded with our planning process for self-governance and closely examined our tribal programs and structure in terms of addressing the needs of our people, we have determined that the most effective and efficient response to crisis and unmet needs is through a multi-disciplined approach. Self-governance will offer the Quinault Nation the opportunity to address the cycles of poverty, dysfunctional families, and destructive individual lifestyles with a coordination of intervention and support services. Too often under current funding mechanisms, program personnel respond in isolation to target age groups or social problems according to the guidelines and restrictions of their Federal funding source. We expect our Tribal services to address problems and needs from a variety of appropriate resources.

Strengthening The Quinault Justice System

We request an increase of $125,000 for Quinault law enforcement and $80,000 for Quinault judicial services added to the BIA Tribal Services Tribe/Agency base. The law enforcement increase will add enforcement officers, address equipment purchase/needs, and provide for improved Quinault jail operations. The Judicial Services increase will provide a second judge and court administrator to improve emphasis on family and juvenile issues.

Improvements for Quinault Social & Education Services

Our Quinault Human Resources program is primarily dependent on competitive, discretionary funding sources which could feasibly be terminated in the future. We request $200,000 added to the BIA Tribal Services Tribe/Agency base to support six caseworkers currently supported by these discretionary programs and an additional caseworker. To deal with the increasing problems associated with alcohol and drug abuse on our Reservation which includes two communities some eighty miles apart, we ask that two additional substance abuse counselors be added to our current staff of three counselors and the funding in the amount of $75,000 be added to our Alcohol Program base.

For Quinault education, we request an increase of $50,000 added to the BIA Education Tribe/Agency base to support increasing numbers of Quinault students seeking higher education and the corresponding increased tuition expense. This increase would also augment the adult education services in the Tribal communities.

With the development of our High School in Taholah, we envision unmet special education needs which cannot be met with traditional public school funding resources. We ask for a $100,000 increase to the BIA Education Tribe/Agency base to address unacceptable junior/senior high school dropout levels, provide special education services for the handicapped, the developmentally delayed, often the result of Fetal Alcohol Syndrome requiring individualized attention even in pre-school, and offer programs for those having special talents.

Quinault Fisheries is Integral to Our Culture and Economy

The Quinault Nation continues to provide leadership and expertise in the cooperative management of the fisheries resources of the Pacific Northwest, in domestic fisheries, in intertribal fishery allocations, and in international fisheries management. We are breaking new ground in implementing innovative approaches to rebuilding depressed wild salmon runs in coastal rivers and we plan to make new progress in this area in FY91.

For the coming year, we request $800,000 in BIA Construction to complete the new salmon enhancement facility on the Queets River. In FY88, Congress appropriated $800,000 to build this facility, jointly funded with the State of Washington, for the purpose of enhancing the natural runs of coho and spring chinook. Construction of this facility was to occur this Summer and it was to be operated in conjunction with another larger facility on the Quillayute River. This Washington Department of Fisheries hatchery was to be used for incubating eggs and partially rearing young salmon. Only weeks ago, a potentially very dangerous virus was isolated at this facility, the fourth time this pathogen has been found in a North American hatchery. All of the Queets stock, held there for our new facility, are being destroyed to minimize the risks of spreading the disease. The Quillayute River system is now in an indefinite quarantine status.

In conjunction with the State of Washington, we have determined that our new facility must handle every facet of the propagation cycle; otherwise we will be unable to continue with this project. The State of Washington will share equally the amount of money necessary to complete the project. Without this facility, Queets wild salmon will continue to severely restrict fishing levels for both non-Indians and Treaty Indians.

This year we also request $300,000 in BIA Construction to complete planning and initiate engineering for rehabilitating the Quinault Sockeye run. This run is culturally revered by my people and is considered one of the most biologically unique runs of the wild salmon in the Northwest. This run has severely declined over past decades and our staff has been working with the U.S. Forest Service to identify a site in the Olympic National Forest along Lake Quinault for a needed egg incubation facility and spawning channel. As proposed, this facility will also serve as a jointly operated interpretive center with the Forest Service and provide an attraction in this economically depressed area through increased tourism. These funds would complete the feasibility studies, planning, and comprehensive engineering for the incubation and interpretive center.

We also request in conjunction with self-governance an increase to our base operating budget for fisheries of $235,000. The funds are sorely needed to meet increased demands for our services, locally and regionally. Greater complexity of fisheries issues, combined with the need to address declining resources in some rivers, is currently stretching our staff and hampering our effectiveness. This, combined with reductions of staff in the coastal region by Washington State Department of Fisheries resulting from rearrangement of state-wide priorities, places fisheries resources in jeopardy.

Quinault Forests: Restoration and Management of A Critical Tribal Resource

For the last five years, the BIA has requested reduced funding for the Forest Development Program only to have it restored by this Committee. The BIA Forest

Development program budget request for FY91 contains an increase of $2 million for many of the reasons timber tribes have been justifying for years. We support this request, but would note that the last time Congress increased Forest Development in FY85, our Forestry Program received no increase. Therefore, we ask that $200,000 of this increase be earmarked for the Quinault Forestry base. We have been operating at the same base funding level since FY81. We face the same factors as the BIA, higher costs and inflation, and feel that for the same reasons, tribal funding should be increased.

The Forest Development Program has been a success. Since this program was initiated some 14 years ago, our Forestry Program has planted over 23,000 acres, and many backlog areas remain to be treated and planted. Many plantations are now in need of pre-commercial thinning to help bring them into commercial harvest size and value.

Replace Dated Forestry Fire Equipment

Last year we requested $120,000 to replace our forestry fire trucks and equipment. These vehicles are used for prescribed burning which abates fire hazard and enhances reforestation efforts. The vehicles also serve for fire suppression as needed and back up our village fire engine when it is out of service or there is a larger emergency. Again, I ask for an earmark of $120,000 from Forest Protection funding to replace this dated and soon to be obsolete fire fighting equipment.

Full Time Appraiser for Olympic Peninsula Agency

When Congress passed P.L. 100-638, the Quinault North Boundary Expansion Act, transferring 12,000 acres to the Quinault Reservation to provide us with the resources for land consolidation, we were thankful and ready to begin to address the land tenure problems on our reservation. We have yet to realize any significant benefits, in part due to the timeliness and accuracy of BIA appraisals. Currently, appraisals are done out of the Portland Area Office with two full time appraisers. We request funding for a full time appraiser assigned to the Olympic Peninsula Agency. This will result in greater efficiently for the BIA by reducing travel time and costs and the increased familiarity with our Reservation will result in more accurate and timely appraisals which will benefit individual landowners and the tribe.

Forest Inventory & GIS - Information for Management

Another consequence of the addition of $12,000 acres, major land acquisitions, and a land consolidation program by the tribe is an increased need for a major forest inventory effort. The last large scale forest inventory was complete six years ago. Now, inventory efforts are limited to monitoring plantation to insure health and survival. Our needs for inventories increases daily especially with each acquisition of new lands with no previous inventory. The BIA has requested an additional $300,000 for Forest Management Inventories as they recognize this need We ask for $75,000 to be increased to their request or earmarked from their request so we may develop and restore our inventory data to a useable condition.

Again, we request an earmark of funds from the Indian Integrated Resource Information Program funding to further develop and enhance our Geographic Information System (GIS). We have identified a three year funding program totaling $140,000 ($65,000 for FY91,

$35,000 for FY92, and $40,000 for FY93 which will enable us to participate in fully Integrated Resource Management. The BIA recognizes the cost effectiveness of GIS and given fractionated ownerships and diversified resources, the benefits of this technology will be enormous. According to the BIA, some of the basic themes have been digitized, but after years of promises, we have not received them. We feel that for this investment we can do a better job, in a more timely manner, and have local access to the information which will improve our management capabilities.

Instruct Forest Service to Distribute Revenues from Quinault Special Management Area as Required by P.L. 100-638

In addition to the transfer of 12,000 acres to the Quinault Reservation, P.L. 100-638 created the Quinault Special Management Areas within the Olympic National Forest. The administration of the Quinault Special Management Area was retained by the Forest Service, but the legislation defined how revenues from these lands were to be distributed. The Forest Service was to retain 10% of the "gross proceeds" for the preparation and administration of timber sales from these lands, similar to the practice of the BIA for management of Indian lands. The Quinault Nation was to receive 45% for land consolidation as a substitute for park, state, and private land which was not restored to the Quinault Reservation. The remaining 45% was to be distributed to the counties of the Olympic Peninsula to offset the loss of timber receipts resulting from the transfer of 12,000 acres to the Reservation.

Even though this 45/45/10 percent distribution was defined in the legislation and the legislative record, the Forest Service has distributed gross proceeds based in part on their standard practices and deductions, including administrative withholdings for timber sales administration. This action by the Forest Service significantly reduced the revenues available for our land consolidation efforts. According to P.L. 100-638 Sec. 4, this 45/45/10 percent distribution of "gross proceeds" was to occur "notwithstanding any other provision of law" and specifically, "notwithstanding the Act of March 4, 1907". This means, in spite of other laws and the authority established or deposits in the National Forest Fund, this is how the "gross proceeds" from the Quinault Special Management Area will be distributed. We ask this Committee to include language in the appropriations bill directing the Forest Service: to comply with P.L. 100-638; forbidding them from making administrative deductions and withholdings in excess of the 10% allowed by P.L. 100-638; requiring them to expend the 10% Administration fee only on activities associated with the Quinault Special Management Area; and, to transfer all moneys due to the Quinault Indian Nation and the counties of the Olympic Peninsula since the date of the enactment of P.L. 100-638, November 8, 1988.

Restore/Increase The T-F-W Program

The Timber Fish-Wildlife program is a model in cooperative resource management involving tribes, state agencies, industry, and environmental groups. The success of TFW depends on full participation of all interests including tribes. TFW allows tribes to participate in the management of resources that have direct affect on their treaty protected fishing and harvest rights. The Quinault Nation joins with other tribes of Washington State and the Northwest Indian Fisheries Commission in requesting the continuance of tribes in the TFW program and propose a FY91 appropriation of $2.86 million.

Restore Hatcheries Rehab & Cyclical Maintenance; Increase Appropriations For U.S./Canada Treaty

The Hatcheries Cyclical Maintenance program should be restored to $250,000 and the Hatcheries Rehabilitation program should also be restored to the FY90 level of $1.6 million. Due to increased Tribal involvement in the U.S./Canada Pacific Salmon Treaty negotiations, we request an increase of $198,000 for FY91 added to the BIA Wildlife and Parks base. We also propose a $62,500 increase for the Fish and Wildlife Service to tabulate/maintain the U.S. data base for the treaty.

American Indian Trade and Development Council Nationwide Marketing Important to Tribal Economies

The Quinault Indian Nation is one of the founders of the American Indian Trade and Development Council. As a participant of the 1988 trade mission to Asia, we are negotiating a market agreement for milled timber with Japanese firms. Market research and product promotion is an essential commerce activity for business, States, and Nations. We urge support of $250,000 in FY91 to assist AITDC market tribal resources and products.

IN CONCLUSION, the Quinault Indian Nation appreciates the Committee's understanding and support of Tribal governments and their attempts to manage resources and deliver services to Indian people. We, the tribes, are the very reason the bureaucracies exist. Direct support to tribal governments, logically, should receive priority consideration by the 101st Congress.

Thank you for your consideration.

testimon.304
3/14/90

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

CHRIS MORGENROTH, COUNCILMAN, QUILEUTE TRIBAL COUNCIL
MEL MOON, DIRECTOR OF TRIBAL FISHERIES

Mr. DICKS. Turtle Mountain Band of Chippewa Indians? Are they here?

[No response.]

Mr. DICKS. All right, the Quileute Tribal Council, James Jaime, chairman?

Mr. MORGENROTH. Thank you, Mr. Congressman. I'm replacing James Jaime. My name is Chris Morgenroth. I'm a member of the tribe and a member of the tribal council.

Mr. DICKS. Chris, nice to have you here. We'll put your entire statement in the record. You have five minutes to summarize.

Mr. MORGENROTH. Okay. I am joined here by Mel Moon, the director of fisheries of the Quileute tribal fisheries program. I would first like to say I want to thank you for the support that the Subcommittee has given us for the clean water that we have been successfully——

Mr. DICKS. Good. We're glad that's working.

Mr. MORGENROTH. Yes. I thank you very much.

We have several needs of the tribe listed here as number 1 through 8.

Mr. DICKS. All right.

Mr. MORGENROTH. These are all a priority need: the $100,000 for the increase of Quileute law enforcement; restoring $200,000 for the reduction of the Quileute fisheries management program which I'm sure that you're familiar with. We went through this process last year to add the $200,000 for the Department of Fisheries that's being eliminated. The Quileute tribe will take over the program where they left off.

The court system is not a real problem, I don't think, but we went to the judicial division of the Bureau to talk about the $50,000 that we wanted added in for 1991. They informed us that they have Quileute listed but there's going to have be some clarification on that. I'm awaiting a clarification to see how much is being provided in that.

Mr. DICKS. Okay.

Mr. MORGENROTH. This one for $35,000 has been kind of a sore spot for the Quileute tribe because we have attempted to get that to be part of the base of the fisheries management budget. It was inadvertently taken out about five years ago, and we have continuously approached the Bureau to put it back in. We would like to have your consideration in making it part of the base, back to where it was.

As far as the school budget goes, we were slated $850,000 to redo our school for renovation and the gymnasium, and the Bureau has come back to us and made some statements that our head count at the school is declining. It is not true. There is no decline in any head count or any part of the tribe.

The problem is that the condition of the school itself is what causes dropouts and transfers of students going from our school to another school. So, in order to prevent that, we would need to upgrade the school. We need the $850,000.

Mr. DICKS. Okay.

Mr. MORGENROTH. Was there anything else?

Mr. DICKS. We'll put this whole statement in the record, and then we'll review your regional and national concerns. You stay in touch with us this year, and we'll see what we can do.

Mr. MORGENROTH. Okay. I want to make sure that you understand that we do support the American Indian Trade and Development Council for their $250,000.

Mr. DICKS. Okay.

Mr. MORGENROTH. I thank you very much.

Mr. DICKS. I'm glad to see you supporting timber, fish, and wildlife, too.

Mr. MORGENROTH. Yes. Thank you.

[The prepared statement of Mr. Morgenroth follows:]

TELEPHONE 206-374-6163

QUILEUTE TRIBAL COUNCIL
POST OFFICE BOX 279
LA PUSH, WASHINGTON 98350

Testimony of
Chris Morgenroth, Councilman
Quileute Indian Tribe
Before the
House Interior and Related Agencies Appropriations
Subcommittee Hearing
on the
Fiscal Year 1991 Budgets of the BIA & IHS
March 14, 1990

Quileute Tribal Appropriations Priority Requests: Tribal Level

1. +$100,000 increase for Quileute law enforcement added to BIA Tribal Services Tribe/Agency Base.
2. Restore $200,000 reduction for Quileute fisheries management and add to BIA Wildlife and Parks Tribe/Agency Base.
3. +$50,000 increase for Quileute Tribal court added to BIA Tribal Services Tribe/Agency Base.
4. +$200,000 increase in BIA Trust Responsibilities for research and documentation of Quileute historical "Usual and Accustomed" fishing areas.
5. Restore $35,000 to Quileute fisheries management annually lost by BIA since 1984; add to BIA Wildlife and Parks Tribe/Agency Base.
6. +$150,000 increase for Quileute wildlife biologist and management program added to BIA Wildlife and Parks Tribe/Agency Base.
7. +$50,000 in BIA Wildlife & Parks for Lonesome Creek Hatchery Equipment improvements.
8. Instruct BIA Construction Managers to implement $860,000 for Quileute Tribal School renovations referenced in BIA FY91 Budget Justification.

Quileute Tribal Appropriations Concerns and Recommendations: Regional Level

- Restore $2 million for Timber-Fish-Wildlife program and increase to $2.86 million for FY91 added to BIA Wildlife and Parks Tribe/Agency Base.
- Increase Unresolved Hunting and Fishing Rights account in Wildlife and Parks to $500,000 to address complex co-management issues such as shellfish and hunting.
- Restore/increase Tribal Hatcheries Cyclical Maintenance to $250,000 for FY91.
- Increase IHS Portland Area Office Contract Health Care to address chronic shortfall of available medical/dental treatment.

Quileute Tribal Appropriations Concerns and Recommendations: National Level

- +$6,362,000 increase to address documented needs of Native American Fish and Wildlife Society and fifty-three participating Tribal governments.
- +$250,000 increase for the American Indian Trade and Development Council nationwide marketing initiative.
- Increase BIA Indian Business Development Grant Program to $15 million to address nationwide needs.
- Restore the $3.1 million reduction for BIA-JOM to FY90 level.
- Restore the $1.36 million reduction for BIA Scholarships to FY90 level.

- Restore the $1.3 million reduction for BIA Welfare Assistance and increase to address unmet needs in the Pacific Northwest.
- Restore the $4 million reduction for BIA Tribal Services Tribe/Agency Aid to Tribal Government.
- Restore the $1.6 million reduction for BIA Fish Hatchery Rehabilitation and increase to $2 million in FY91 added to BIA Construction base.
- Restore the $59 million reduction for IHS facilities construction.
- Increase BIA Indian Child Welfare Grant Program to address nationwide unmet needs.

I am Chris Morgenroth, Councilman for the Quileute Indian Tribe. I am joined by Mel Moon, Director of the Quileute Tribal fisheries program. We appreciate the opportunity to present our requests and recommendations before this Subcommittee on the Fiscal Year 1991 budgets of the BIA and IHS.

Quileute Tribe Deeply Appreciates Congressional Support for Clean Water Source

On behalf of the Quileute Tribal Council and the residents of our LaPush village, I wish to express our deep and meaningful appreciation for this Subcommittee's support for the development of a clean, drinkable water supply system for our people in the FY90 appropriations. Water is essential to all life. A clean water source for the LaPush Village will dramatically impact the health of the Quileute people and our Tribal economy.

Background on Quileute Tribe

The Quileute Indian Tribe, located at the mouth of the Quillayute River on the Pacific Coast of the Olympic Peninsula, is concentrated in our traditional village of LaPush. Our tribal population of 640 members expands to 1,500 residents in the Summer months due to tourism, primarily sports and commercial fishermen. In 1988, we consolidated ownership of all motel facilities in the village and plan to capitalize on the tourist industry to stabilize and expand our fragile village economy.

The Quileute Tribe manages a river fishery and ocean commercial fisheries for several species of salmon. The Quileute Tribe's resource base extends to halibut, bottomfish, shellfish and other marine resources as historically and legally recognized by the federal courts under U.S. v. Washington. The river boat basin harbor serves a local - U.S. Coast Guard Station, an active commercial/recreational boat mooring facility, and offers substantial future economic development potential. The Tribal residential population relies primarily on commercial fishing and ocean-related support industries for employment. A depressed commercial and recreational fisheries and the continued decline in the timber industry has created unusually high unemployment for our small, isolated Tribe.

New Tribal Law Enforcement Program Needs for Officers and Jail Expenses

The Quileute Indian Tribe successfully secured retrocession of law enforcement from Washington State with official Interior Department notification in early May, 1989. In anticipation of retrocession, Congress provided $150,000 for Quileute law enforcement in the Fiscal Year 1989 appropriations. Utilizing the FY89 carryover, we have implemented an effective Quileute law enforcement program through FY90, with operational

experience, we have also identified enforcement program needs justifying a $100,000 increase for Quileute law enforcement added to the BIA Tribal Services Tribe/Agency Base.

The Quileute Indian Reservation is remotely located on the Olympic Peninsula coastline of Western Washington State. The employment and retention of qualified police officers with competitive salaries, prisoner transportation and incarceration expense, and specialized training for human emergencies are all essential program costs due to our rural setting. The picturesque Quileute coastline and pristine Olympic National Park surrounding our reservation attracts over 10,000 tourists annually creating further demands on our enforcement and emergency services response capabilities.

The requested $100,000 Quileute law enforcement increase will create a Police Sergeant position; provide competitive salaries and benefits package commensurate with adjacent counties and municipalities; increase correction prisoner days from 120 to 1100 as contracted with nearby facilities; support vehicles and communications equipment purchases; and; allow us to offer specialized emergency training. A detailed budget and narrative justification is available for staff review.

Restoration of $200,000 Quileute Fisheries Management Appropriations is Essential

The fisheries resource is the primary element in the Tribal economy, providing employment through the LaPush port, fish docks, fisheries plant, fisheries program activities, and commercial catch industry. The Quileute Tribe is integrally involved with State, regional and international fisheries management forums. The Quillayute River is legally mandated under the 1981 Hoh v. Baldridge court decision to be managed as an indicator under weak stock natural management, which is utilized annually to determine total allowable harvest levels off the Pacific Coast for all commercial/recreational fisheries.

In 1989 the Washington State Department of Fisheries reduced its staff at their Northcoast office from three permanent and six temporary employees to one permanent employee. This reduction resulted in a loss of approximately sixty percent of the spawning ground data collection and total elimination of coho rebuilding programs and smolt out-migration studies which are an integral part of the management for the river system and the ocean salmon seasons. The reduction also cut support staff available for developing management options for the tribal fishery by approximately fifty percent.

In FY90, Congress appropriated $200,000 for the Quileute fisheries management to partially cover the increased demands created by the Washington State reductions. This appropriation has allowed the Tribe to maintain the level of technical data collection prior to the State reductions. For the Tribe to continue its technical and policy involvement in the various fisheries management forums with reliable information, the additional $200,000 is essential to continue covering the reductions made by Washington State. This addition to our base serves both Tribal and non-Indian interests due to the strategic importance of the Quillayute River system to the Pacific fisheries management.

Quileute Court System Increase Needed to Provide Adequate Judicial Services

Retrocession from Washington State Public Law 280 jurisdiction is now a reality for the Quileute Tribe. With the increase in statutes to cover the additional jurisdiction and a new law enforcement program, the court case load has increased. With the Congressional FY90 increase of $25,000, our funding is presently at $35,400. However recent BIA notification limits the Quileute judicial services to $30,660 for FY90.

We need a court administrator, additional training funds, and a court vehicle. Court personnel presently use their own vehicles. In the last year, we sent one juvenile to detention by county transit bus, and were unable to accept mental health assistance for one prisoner due to lack of transportation.

We are now required to keep extensive statistics on our court program, particularly substance abuse cases. We lack the sophisticated computer hardware/software to efficiently accomplish this record-keeping function. Court personnel must spend hours manually reading and tabulating case files.

We request an increase of $50,000 added to the base budget for FY 1991 to enable us to add personnel, provide training, purchase computer equipment, and lease a vehicle. The court budget assumes that adequate money will be provided in the law enforcement budget to pay for jail contract fees. We cannot operate a court/enforcement system without the funds to incarcerate offenders.

Funds Requested to Video Record Elder Quileute Recollections of Traditional Fishing Areas

The Quileute Tribe and the LaPush Village have existed for thousands of years. Oral remembrance transmitted our history and cultures from generation to generation. In modern times, this rich tradition is being lost. Court battles over valuable treaty rights are often decided by the testimony recollection of tribal elders and the subjective judgement of anthropologists. With the advent of transportable video recorders, the memories of our elders can be recorded to protect our treaty rights and preserve our oral history for future Quileute generations.

We request a one-time appropriations of $200,000 in BIA Trust Responsibilities (Indian Rights Protection) to videotape, edit, and catalogue interviews with our tribal elders regarding treaty period tribal fishing practices, traditions, and early childhood experiences. The associated project costs include contracts with a video production company, anthropologists and ethno-historians, and attorneys. A core management staff to coordinate the project is envisioned.

A Mysteriously Shifting Fisheries Budget Shortfall Needs To Be Added Permanently To BIA Base

Over the past five years, the Quileute Fisheries Department has annually had to either badger the BIA or appeal to Congress to restore a $35,000 shortfall to our fisheries base. This accounting error committed somewhere in the Bureau haunts us annually even though all parties agree the Quileute Tribe is correct. In the FY91 BIA Budget Justification, this mysterious $35,000 appears under "Tribal Management/Development

Projects" in the Wildlife and Parks account. We would most appreciate this amount being added to our Quileute fisheries base.

Tribal Wildlife Technical Staff Needed to Manage/Protect Threatened Resource

The Quileute Tribe has traditionally maintained and utilized its wildlife resources for the subsistence of its people. The Tribe's Usual and Accustomed Area on the Olympic Peninsula includes some of the most varied, but fragile, wildlife resources in Washington State. The tribe desperately needs a program to monitor and protect its wildlife. We request consideration of a wildlife management program for the tribe through a budget of $150,000. The program would employ two wildlife biologists and support staff to monitor wildlife, protect endangered habitat areas, develop management procedures, and coordinate with Federal/State and local jurisdictions. This program concentrates wildlife management as differentiated from the T-F-W program of habitat protection.

Lonesome Creek Hatchery Equipment Improvements Requested

The Quileute on-reservation Lonesome Creek Hatchery, serving the entire Tribal hatchery programs for on station egg incubation and initial rearing operations, has a capacity for incubating and rearing 750,000 salmon fry. Proposed renovation and equipment upgrade of an emergency generator and the purchase of a fish transportation truck are needed to maintain the hatchery programs. The estimated one time cost would be $50,000. The BIA has repeatedly declined Tribal applications to the Hatcheries Rehabilitation program for this project.

Quileute Tribal School Facilities Renovations Should Be Completed As Provided in the BIA Justification

As long as anyone remembers, there has always been a Quileute Tribal School. Our current facilities are deteriorated, but functional. BIA has proposed an $850,000 renovation of this school in 1991. Due to a recent enrollment decline, the BIA now is questioning this decision. With the renovations and improvement, we expect our enrollment to increase once again.

Native American Fish and Wildlife Society FY91 Nationwide Request Supported

The Native American Fish and Wildlife Society (NAFWS), representing fifty-three tribal governments, has requested consideration of a $6.3 million appropriation increase in FY91 to comprehensively address Tribal fish and wildlife needs across the nation. Tribes are generally excluded from U.S. Fish and Wildlife Service programs, including special Federal allocations generated by tax on recreational fishing and hunting equipment. The Quileute Tribe is included in this NAFWS request at a total of $1.12 million to perform major habitant improvements to large sections of the Quileute watershed. The habitat improvement projects are intended to increase production of natural stocks. It must be noted that this project is separate and distinct from all other fish management obligations currently operated by the tribe, in that habitat improvement is different from fisheries management activities. This project is

coordinated with the Olympic National Forest and Park Services, Washington State Departments of Natural Resources and Fisheries.

Hatcheries Construction/Renovation/Maintenance Program Should Be Restored and Increased

The Quileute Tribe has experienced above average returns of salmon in 1988 and is nearing its goal of establishing year-round fisheries which provides consistent employment opportunities for tribal members and their families. The Tribal hatchery operations are an essential element to maintaining and enhancing the fisheries. The Congress provided $1.6 million in FY90 and $1.2 million in FY89 BIA Construction to begin addressing hatchery renovation needs. We request an FY91 appropriation restoration/increase of $2 million to continue addressing the nationwide needs. The Quileute Tribe will be seeking support for the renovation of equipment and facilities at two hatchery sites from this account.

Tribal Hatchery Cyclical Maintenance Program Should Be Restored and Continued

The Congress established a Tribal hatchery cyclical maintenance account from the savings realized by the transfer of BIA-managed National Fish Hatcheries to the Fish and Wildlife Service in FY88. We urge that this account, addressing tribal hatchery needs nationwide, be restored/maintained as a separately managed account by the BIA at $250,000 annually. Although Fish and Wildlife Service hatcheries are provided annual cyclical maintenance as a scientifically recognized practice, the BIA FY91 Budget Justification eliminates this program. This is a most short-sighted proposal.

Timber, Fish and Wildlife Agreement Deserves Support

The historic Timber, Fish and Wildlife (TFW) agreement involving the Pacific Northwest Indian Tribes, the State of Washington, Environmental Groups, and the Timber industry is a cooperative program between all parties to protect and improve the environment. The Quileute Tribe is a participant in this agreement to insure protection of fisheries and wildlife resources within its usual and accustomed area. The Quileute Tribe has always asserted a stance of protecting, maintaining and increasing its fish and wildlife populations in perpetuity. We request restoration of the $2 million T-F-W program and an FY91 increase to $2.86 million.

The Quillayute River Drainage encompasses a vast area of roughly 600 square mile of which 75 percent is utilized for intense timber production. In order to preserve the rich fish and wildlife resources of the area, evaluation, monitoring and protection activities need to be accomplished, which is the purpose of TFW. We are respectfully requesting support for additional funding in the amount of $101,000 directly earmarked for the Quileute TFW Program and a shift from grant status to program status to insure long-term commitment to the Tribe's and State's natural resources.

American Indian Trade and Development Council Role Is Important for Future Tribal Economies

The American Indian Trade and Development Council, created by tribal governments several years ago, provides a market identification and Tribal product promotion role for Indian Tribes nationwide. Although private industry expends substantial resources in product

development, market research, and advertising, economic development assistance for Tribes and American Indian entrepreneurs is generally limited to site-specific development. As one of the founding member Tribes in AITDC, we urge that Congress provided $250,000 in the FY91 BIA Economic Development Program Account to support AITDC initiatives.

IN CLOSING, we deeply appreciate the time and consideration given the Quileute Tribe's requests and recommendations on the FY91 appropriations for the BIA and IHS. We urge Congress give priority considerations to tribal government operations and services in your deliberations on the FY91 appropriations.

testimon.339
3/13/90

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

BILLY FRANK, JR., CHAIRMAN, NORTHWEST INDIAN FISHERIES COMMISSION

JAMES ANDERSON, EXECUTIVE DIRECTOR, NORTHWEST INDIAN FISHERIES COMMISSION

Mr. DICKS. Very good. All right, Northwest Indian Fisheries Commission, Billy Frank, Jr., chairman?

Billy, we're glad to have you here. Please introduce your colleagues and proceed. We'll put your entire statement in the record and you have five minutes to summarize.

Mr. FRANK. Okay, thank you, Mr. Chairman. My name is Bill Frank, Jr., chairman of the Northwest Indian Fish Commission. I represent the 20 tribes that are a party to the U.S. versus Washington litigation in the case in the State of Washington.

On my right I have Jim Anderson, executive director of the Northwest Indian Fish Commission.

Mr. DICKS. Jim, it's good to have you here.

Mr. FRANK. And, Jim, why don't you start and I'll end.

Mr. ANDERSON. I'll go over some of the specifics and give some time to Billy to wrap up.

We would like to support stable funding to the tribes with special increases to cover their major initiatives. We need to have stable funding for tribal programs, of course. That means full base-level funding without arbitrary cutbacks. We understand the problems that you do have, however.

There are many new initiatives which require funding such as shellfish and hunting issues, and you're going to be hearing some about that later from other tribes in the Northwest.

We would like to support efforts by the Committee to establish annual cost-of-living adjustments to keep up with inflation. We'd like to introduce a concept for 638 contracts which has really not been in place. It's called pay-cost adjustments.

Now we distinguish pay-cost adjustments from the cost of living in that there would be annual adjustments to the contract base that would correspond to either the number of full-time equivalents or certain salary, and, in effect, bump up the contract amounts annually rather than operating within a fixed amount, which we do now, creating a no-win situation over time. We have a concept paper that describes that in more detail.

We support a timber, fish, wildlife budget of $2.86 million, the details of which we'll gladly provide you later.

[Material was not supplied to the Subcommittee at the time of printing.]

Mr. ANDERSON. We support $1 million for hatchery maintenance and $250,000 for cyclical maintenance. We have a number of new issues that are creating problems for us with regard to the hatcheries. There are some new EPA discharge permit requirements which are going to drive some new construction or some modifications to our existing facilities.

We also have a virus problem in the hatcheries which is called VHS, and that's going to require some design feature changes which could be done with these resources.

Mr. DICKS. How much are we going to need? Who's going to do that? Is that going to be the Fish and Wildlife Service?

Mr. ANDERSON. The VHS issue is across the board, whether it's Fish and Wildlife Service, State, or the tribes.

Mr. DICKS. Yes, we know it's a problem for everybody, but is anybody taking the lead or the initiative——

Mr. ANDERSON. The Fish and Wildlife Service is doing some major research on that. We in the State have urged them to do that, and they are. But there are some actual construction requirements that could help solve the problem, or at least minimize the problems within a hatchery if it does continue to occur.

Quickly, we support the full funding of $2.794 million for the Pacific Salmon Treaty.

We also would like to support the unresolved hunting and fishing line item within the Bureau of Indian Affairs budget. We have, as I mentioned, shellfish, hunting, water quality, and water resource issues that need to be addressed by the Northwest tribes pursuant to U.S. vs. Washington. We're starting a number of good programs there, and we need to have these kinds of resources to allow us to carry them out.

Mr. DICKS. Now you left Billy about a minute.

Mr. ANDERSON. I know. That's part of the design here.

Finally, we would——

Mr. DICKS. Thirty seconds. [Laughter.]

Mr. ANDERSON. We would support a $150,000 increase in the fish health lab, which is needed to work on the VHS issue as well as to meet increased demand.

Mr. FRANK. As you know, we're 15 years into implementing the U.S. vs. Washington, and the tribes in the Northwest have some new initiatives coming up, such as sitting down in the State of Washington and working on water initiatives, and EPA, and other good things that are coming up to make Congress sleep a little better at night.

We want to thank the Committee and thank the chairman for helping support the tribes of the Northwest.

Mr. DICKS. We will continue to try to work with you, and we appreciate the leadership that you've provided on a whole host of issues out there. You will be remembered in our dreams. [Laughter.]

Mr. FRANK. Thank you, Mr. Chairman.

[The prepared statement of Mr. Frank follows:]

Northwest Indian Fisheries Commission

6730 Martin Way E., Olympia, WA 98506 Phone (206) 438-1180 FAX #456-3012 FTS #434-9476

TESTIMONY TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENT OF INTERIOR AND RELATED AGENCIES

From the Northwest Indian Fisheries Commission
March 14, 1990

Chairman Yates, and honorable members of the Committee, I am Bill Frank, Jr., Chairman of the Northwest Indian Fisheries Commission (NWIFC).

For your background, the NWIFC represents the twenty treaty fishing tribes in western Washington who are party to the United States v. Washington litigation, now known commonly as the Boldt Decision. The decision, after many years in the federal court system was finally upheld by the Supreme Court in 1978. That Court reaffirmed tribal fishing and harvest rights to fifty percent of the anadromous fish passing through tribal usual and accustomed areas. Further, the federal decision recognized the legitimate tribal role and responsibilities for managing this great natural resource.

Before my comments on the Bureau of Indian Affairs FY-1991 budget, let me first bring to you and the Committee some good news. There has been significant progress in fisheries management in the Northwest since the last time we were able to address the this Committee. In my opinion, this has occurred as a result of several factors.

First, the tribal fisheries management programs that developed after the Boldt Decision with federal funding, continue to operate efficiently and effectively, and provide information necessary for effective management.

Second, there is a growing spirit of cooperation among those involved in managing the fisheries of the region. This cooperative effort has helped pull together the expertise and efforts of Indian and non-Indian fisheries managers, and has led to the development of the Puget Sound Management Plan, the Hoh v. Baldrige Management Plan, the Pacific Salmon Treaty and other cooperative approaches in fisheries management.

Third, the outgrowth of cooperation in the fisheries world has led to innovative natural resource management efforts in the Northwest that are being looked at as models for other parts of the country. I speak specifically of the Timber-Fish-Wildlife (TFW) Program, a unique natural resource management process involving tribes, state agencies, environmental groups and the timber industry. We are developing similar approaches to other natural resource and environmental issues which affect tribal fishing rights, such as a comprehensive solution to water resource planning.

30-252 O—90——8

Now, I would like to make the following comments from our member tribes regarding the Bureau of Indian Affairs FY-1991 budget. Our comments are based on first hand knowledge of the status and needs of the Pacific Northwest natural resources.

STABLE BASE LEVEL FUNDING/PAY COST ADJUSTMENTS

It is essential for the Committee to realize that we are in mid-stream of our cooperative management efforts. Without long term continued support, all that has been accomplished may have been for naught. Over the past decade, we have seen many poorly conceived Bureau "initiatives," such as changes to the indirect cost rate system and the placement of our fisheries management monies on the Indian Priority System. These initiatives have served to destabalize our efforts, not support them, as I believe was congressional intent.

We urge you to maintain full base level funding to our programs, and to avoid across the board reductions if the federal deficits drive further reductions to meet department budget guidelines. We are not content with fabricated Bureau rationale which argues we should be happy with what we may receive. If cuts are required, the reductions should come from the large federal bureaucracy, not at the expense of the tribal fisheries programs.

We would also like to strongly support individual tribal proposals for increased program support. New funding for such efforts in shellfish and hunting is absolutely essential if tribes are to develop a core infrastructure to continue a positive cooperative management approach.

We ask that you consider providing annual cost of living adjustments to PL 93-638 tribal contractors that are on a par with our federal counterparts. These COLA's provide necessary inflation adjustments to employee salaries.

In addition, we would like to ask the committee to consider additional pay cost adjustments to the tribal contractors base program. What we have in mind is an annual adjustment to tribal contracts that would be a percentage of the overall salary and fringe contained in the contract. At the present, tribal contracts are not adjusted with new funds to allow necessary step increases on the wage scale. Unlike the federal system, where personnel salaries and benefits are annually budgeted, tribal contractors have no built in salary adjustment. The only means to adjust salaries for time and merit requires tribes to reallocate funds from essential program services. This is self defeat, not self-determination.

TIMBER-FISH-WILDLIFE

As mentioned earlier, the Northwest tribes, state agencies, the timber industry and environmental groups have reached an unprecedented step forward in the management of logging, fisheries, wildlife and archaeological protection within the State of Washington. We are here today requesting continued funding for this very important initiative.

Our needs this year require $2.86 million, but once again, the Bureau has not requested any monies in its budget. We would like to stress that it is very important for the tribes to live up to their end of bargain. Tribal participation is called for on important policy and technical committees, on monitoring and evaluation programs, on timber sale planning and on inter-disciplinary teams. The tribal program has been designed to be complementary to that of the state agencies and the other participants. Without adequate funding, the delicately balanced program is in jeopardy.

We would also like to have the committee direct the Bureau to treat Timber-Fish-Wildlife as a program, and not as a project. Tribal funding should be treated as a contract (program), and not as a grant (project). This is important to the tribes, for project funding is of a fixed term, and interruptible, while program funding becomes a "carry-forward" budget item, becomes part of the tribal base program and is uninterruptible.

FISH HATCHERY REHABILITATION AND CYCLICAL MAINTENANCE

As in the past, we have supported the establishment of a separate line item within the Bureau's budget for fish hatchery maintenance and rehabilitation. Tribal hatcheries are an integral part of the overall fisheries enhancement and management effort in the Northwest. These funds will go a long way toward upgrading and maintaining the tribal hatcheries in years to come. Money spent now on these facilities will preserve their useful life into the future. There have been recent changes to federal water quality programs which will require substantial modification to tribal hatchery waste water discharge systems. Hatchery rehabilitation funds are crucial to keeping these needed facilities on line.

We note in the Bureau's budget they have failed to incorporate such a line item into their program base. We feel that this line item, funded at $1,000,000 per year will both maintain existing facilities nationwide and provide opportunities to improve production. In addition, $250,000 should be appropriated to fund a "standing" cyclical maintenance line item for use by the tribes for unexpected emergencies. A similar line item exists within the budget of the U.S. Fish and Wildlife to support hatcheries under their jurisdiction, and has worked well.

PACIFIC SALMON TREATY IMPLEMENTATION

The Pacific Salmon Treaty was signed into law in 1985. Since that time, the tribes in the Northwest have received funding from the federal government to implement their responsibilities under the treaty, which are many. The U.S. Section of the Pacific Salmon Commission has requested $2.597 million for the NWIFC, Columbia Intertribal Fish Commission, and the Metlakatla Indian Community of Alaska. We support the line item included in the administrations proposal.

UNRESOLVED HUNTING, SHELLFISH AND HABITAT ISSUES

The Northwest tribes have worked hard at developing cooperative programs consistent with court ordered decisions. In recent years, we have been able to resolve many thorny issues outside of litigation,

such as the Pacific Salmon Treaty and the TFW Program. For each of these, a key to success was information and data.

We anticipate that several key natural resource management issues will have to be worked out in the near future. Tribes are currently discussing their shellfish management, harvesting and enhancement efforts with several state agencies. Tribes have also entered into negotiations with the Department of Wildlife to secure treaty reserved hunting opportunities. Great efforts have been underway between the tribes and the state to reach a resolution of U.S. v. Washington, Phase II, a case which focuses on the tribal right of protected fisheries habitat. Such tribal efforts need to be supported if tribes are to deal with crucial issues on a government-to-government basis.

For each of these discussions -- shellfish, hunting and habitat protection -- the tribes need to have additional funding available to them. This will provide necessary information and infrastructure to determine the extent to which treaty hunting and fishing rights may be asserted or exercised, and support program development efforts to implement court rulings and settlements. Such a program does exist in the Bureau's budget under the Wildlife and Parks, Unresolved Hunting and Fishing Rights. We suggest that an increase in this section would help the tribes begin to resolve some very difficult co-management issues, and sustain the positive working relationship mentioned earlier. This line item should receive $500,000 to be used for resolution of key issues in the U.S. v. Washington area.

FISH HEALTH PROGRAM

The NWIFC provides highly sophisticated fish health and diagnostic services to our member tribes. All told, this program provides service to over 40 different tribal enhancement facilities. This program requires an extra $150,000 annually to continue to fulfill this high level of assistance to tribal hatchery programs, and to meet recent increases in workload due to Viral Hemmorhagic Septicemia (VHS) outbreaks.

CONCLUSION

No one knows better than members of this Committee that it takes financial resources to manage a natural resource effectively, particularly one as great as the Pacific Salmon. We have, of course, taken some cutbacks in our programs over the years. But thanks to your help, the pain has been kept to a minimum. We want to assure you that our funding proposals and those we support have been produced with a sharp pencil. We present them to you with great pride because we know that these programs will make the difference for the long term survival of the fish resource. Further, these programs they will contribute significantly to the positive development of Indian/non-Indian relations.

Thank you.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

WILLIAM RON ALLEN, CHAIRMAN AND EXECUTIVE DIRECTOR, JAMESTOWN KLALLAM TRIBE

Mr. DICKS. All right. Jamestown Klallam Tribe, William Ron Allen, chairman?

Mr. ALLEN. That's a tough act to follow.

Mr. DICKS. Yes, Billy's always a tough act to follow.

All right. We're glad to have you here. We'll put your statement in the record, and you have five minutes to summarize.

Mr. ALLEN. Thank you, Mr. Chairman. I appreciate the opportunity to come before this Committee.

My name is Ron Allen. I'm the chairman and executive director for the Jamestown Klallam Tribe.

The issues that we would like to talk to the Committee about and solicit support are also regarding the self-governance issues and project. As you know, we are also one of the tribes and have been extensively involved with the other tribes that are trying to make this project successful.

One of the things that we have pointed out, that the others haven't yet, is the fact if you make this project successful, we are discovering it is quite an expensive process to communicate with the tribes across the Nation to let tribes know what this project means and what the opportunity is.

We are finding out through dialogue that other tribes are having who aren't as close to this project, that the Bureau is characterizing this project as a termination effort. Our concern is how Congress and the tribes are able to address this as we move down the road. So, it's not a matter of just the tribes who are out front and are taking a very exciting and—I can't think of the right word here, but——

Mr. DICKS. Imaginative?

Mr. ALLEN. Yes—imaginative effort to pursue this project. The problem we are finding is that tribes don't know what it's all about. They think that—other tribes think that we're leading them down a path which means termination. There's going to be a need to communicate to the tribes.

So, what we're recommending to the Committee is that the Committee seriously consider funding tribes like ourselves and/or the Lummi, or maybe—we're open to how this can take place, but we believe it has to be initiated by the tribes. If the tribes aren't sharing and communicating to the tribes about what this project is about, it won't be communicated effectively and accurately. The Bureau will not communicate what this project is about. They will characterize it as termination. They'll characterize it as something that it is not.

Mr. DICKS. Are they doing that now?

Mr. ALLEN. Oh, yes, absolutely. I've been very active in talking to other tribes across the Nation.

Mr. DICKS. I mean, is the Bureau characterizing it this way?

Mr. ALLEN. Yes, verbatim, area directors saying, "Don't go under this project. You're not interested in it because it's a termination initiative." You have high central office officials characterizing it as not anything other than consolidated grants or contracts, and it's not; it's absolutely a different kind of project altogether. If they believe that, then, without a doubt, that kind of mentality or attitude or vision of what this project is about is going to be distributed or permeated all the way through the Bureau.

Mr. DICKS. All right.

Mr. ALLEN. So, we feel that this is a very important initiative.

We also, in light of this project, would urge that you continue funding for the second-tier tribes. There's a lot of misunderstanding about what's taking place, and the Bureau still takes an attitude that they do not have to plan. We, as tribes who have gone through this for two years now, know that you have to do an extensive amount of planning. We would urge support for those second-tier tribes.

On another issue, the implementation of the government-to-government relationship, I've been very involved in a number of initiatives, including the development of the 638 regs for the Public Law 93-638 and 104-72, the amendment act. We recognize that there is a need to figure out how we're going to develop the consultation and participation of the tribes in this process. We would urge Congress to endorse the idea of funding a project to get tribes to shape how that process is going to take place, because a current process does not exist and has never been acceptable by the tribes. We feel that that is absolutely imperative to make this effort successful.

Mr. DICKS. Now you've got about a minute left here.

Mr. ALLEN. Okay. The other thing that——

Mr. DICKS. You wouldn't want to forget your local projects.

Mr. ALLEN. Yes. Getting back to the tribe, we have one program that is a new initiative program that the tribe is having to take responsibility for, and that is shellfish. Some of us have extensive shellfish responsibilities. We absolutely do not have any management monies or enforcement monies or enhancement monies in order to address this issue. We are making a proposal, requesting consideration of this Committee for funds to take on that additional responsibility. This is a very cumbersome, very difficult process, and we feel that we have to address that.

Regarding the regional-national issues, they have been identified by Quinault, et cetera. We certainly endorse them and want the Committee to recognize that as well.

Mr. DICKS. Okay, thank you. That was a very good summary, and I appreciate your discussion on self-governance and government-to-government. We will ask some questions of the BIA about those issues when they're up here.

Mr. ALLEN. We appreciate it. Thank you.

Mr. DICKS. Thank you.

[The prepared statement of Mr. Allen follows:]

Jamestown Klallam Tribe

305 Old Blyn Highway • Sequim, WA 98382
Phone (206) 683-1109 – (Fisheries) (206) 683-1001

Testimony of W. Ron Allen,
Chairman and Executive Director
Jamestown Klallam Tribe
before the
House Interion and Related Agencies Appropriations
Sub-Committee Hearing
on the
Fiscal Year 1991 Appropriations for BIA & IHS
March 14, 1990

Mr. Chairman, I would like to express my sincere appreciation of this Committee in allowing me to present some views, concerns, and requests for our Tribe. The following issues are requests that we would like you to consider for the FY-91 budgets for the Bureau of Indian Affairs and the Indian Health Service:

SELF-GOVERNANCE DEMONSTRATION PROJECT:

As you know, the Jamestown Klallam Tribe is one of the Self-Governance Demonstra-tion Project Tribes. Along with the other participating Tribes, we have been struggling with the poor cooperation of the Bureau of Indian Affairs (BIA). In light of the "New Federalism" idea that came from the Senate Special Investigations Committee Report that addressed (1) the ineffective ability of the federal government to provide quality services to Tribes and (2) its inability of the federal system to enable Tribes to be able to truly become Self-Governing entities, this project is still remains a very important tribal initiative.

In our judgement, the Bureau has exhibited in its actions over the last two years a clear misunderstanding of the project. We have been informed that many of the higher level Bureau officials are characterizing this project as a "termination" initiative. These kinds of actions indicate the urgent need for the lead tribes to be supported in providing the education and communications effort to cause the Indian community to understand the opportunity this project will provide for the goal of Self-Determination. The Bureau can never be entrusted to advocate and support the Tribes to achieve this goal. If this project is to be successful, there is an urgent need to assure that the proponents of this initiative believe in the ability of Tribes to make this initiative a success.

Recommendation: $100,000 for the Lummi and the Jamestown Klallam to provide for our on-going efforts for education and communication to the tribal communities.

The Jamestown Klallam Tribe is targeting this Self-Governance Project as the approach to address the programmatic deficiencies and needs. Therefore, we will be submitting to this Committee our full budget requests by March 31, 1990 to put on the record our projected needs and justification.

In assessing the current financial and programmatic status of the Jamestown Klallam Tribe, we have determined that the Tribe will take on a very ambitious step in separating itself from the federal structure. The funding problem that the Jamestown Klallam Tribe faces as it begins to negotiate this agreement is one that has been caused by the Bureau's multi-tribal structure. We are currently administering seven of the approximately twenty-five programs that are available to the Tribe to incorporate into this agreement.

We have developed a base budget that we feel should be the appropriate funding level for our Tribe to enter into this agreement and release the Bureau of its obligations and responsibilities. The legislative conditions of P.L. 100-472 Title III assures that the Tribes entering into this project will not have a negative impact on the non-participating Tribes. The Tribes in Multi-tribe agencies have a special need because we cannot break out one tenth (or whatever) percentage of one individual to a participating Tribe and leave nine-tenths for the remaining tribes. In situations such as these, we need to identify the need to adequately allow the Tribe to provide these services and clearly avoid any negative impact of the non-participating Tribes. We will be elaborating and clarifying this issue with our full budget proposal.

We are also recommending that this Committee extend the funding for the second tier tribes to allow them to proceed with the project. The Bureau will continue to argue that the Tribes do not need funds to conduct their planning in preparation for this project, but we can testify with experience that the planning effort is an extensive and critical process before entering into these type of agreements.

NATIONAL "GOVERNMENT-TO-GOVERNMENT" CONSULTATION/PARTICIPATION PROCESS:

There is a desperate need for a process to be developed by the Tribes to address the opportunity and process for Tribes to interact with the Federal government regarding the development of policy and guidelines for Indian programs. The U.S. government has regularly stated that it supports and endorses the "Government-to-Government" Policy, but has not been able to establish a process that addresses this relationship. If there is going to be any credibility to this policy, a process must be

developed by the Tribes to establish a confidence in the effectiveness of the process. We recognize that the development of the process cannot take place overnight, but it must be started as soon as possible.

There are a number of Indian organizations that probably could carry out this project. In our judgement, the National Congress of American Indians is the one national organization that addresses all federal Indian programs and policies that impact the protection and enhancement of the welfare of Indian people.

Recommendation: $300,000 to the National Congress of American Indian to facilitate a tribally designed process.

TREATY SHELLFISH MANAGEMENT, ENHANCEMENT, and ENFORCEMENT PROGRAMMATIC NEEDS:

The Jamestown Klallam Tribe, as one of the four tribes in the Point-No-Point Treaty Council (PNPTC is a fishery management consortium including the Lower Elwha Klallam Tribe, the Port Gamble Klallam Tribe and the Skokomish Tribe). We have been absorbing additional responsibilities of managing the shellfish resource for our communities. This additional responsibility is on top of the salmon fishery responsibilities of the PNPTC tribes. This new activity includes harvest management, enhancement, and enforcement service responsibilities for a Treaty territory of over 400 miles of beach lands. We now have a need for an additional $400,000 for the four tribes ($100,000/per tribe) to effectively address this responsibility.

OTHER REGIONAL AND NATIONAL NEEDS:

Regarding the Regional and National initiatives and funding needs that have been identified and justified by the Lummi Indian Nation and the Quinault Indian Nation, the Jamestown Klallam Tribe endorses and fully support. These include the following:

REGIONAL:

1. Pacific Salmon Commission programs for the BIA and U.S. Fish and Wildlife Agencies.
2. Timber, Fish, and Wildlife program.
3. Hunting and Fishing Rights Protection program.
4. Tribal Hatchery Maintenance programs

NATIONAL:

1. Restoration of the Aid to Tribal Government service.
2. Fishery Hatchery Rehabilitation (Construction)
3. Cost of Living Adjustments
4. BIA Scholarship and Continuing Education needs
5. Indian Child Welfare
6. BIA Business Development Grant Program

IN CONCLUSTION, I would like to thank you for your consideration of our requests and support of Tribal initiatives and needs. We are very confident that we can accomplish our goals and objectives and these initiatives are even more likely to occur with the strong support that this Committee has provided Indian country.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, FISH AND WILDLIFE SERVICE

WITNESS

DANIEL GREENE, VICE CHAIRMAN, MAKAH TRIBE

Mr. DICKS. The Makah Tribe, Vivian Lawrence, chairman?

This isn't Vivian; I can tell. [Laughter.]

I've been in Congress long enough to know that. [Laughter.]

Mr. GREENE. I'm Dan Greene, vice chairman from the Makah Tribe.

Mr. DICKS. Well, Dan, we're glad to have you here. How's fishing?

Mr. GREENE. Fishing is going good right now.

Mr. DICKS. Good.

Mr. GREENE. Mr. Chairman, before my testimony, I want to express my thanks to you on behalf of the Makah tribe for all the help you have given us in the past with the upgrade of the Makah air force site, the museum——

Mr. DICKS. Nobody here knew that the Makahs had their own air force, did they? [Laughter.]

Mr. GREENE. No, they didn't know that.

Our fisheries——

Mr. DICKS. You should have bombed your hatchery, though. That's what you should have done. [Laughter.]

Mr. GREENE [continuing]. The help you've given us on the hatchery, to name a few.

[Mr. Greene speaks briefly in his native language.] You've been a great friend of the Makahs.

Mr. DICKS. Thank you.

I might let you know that I've been fishing up there since I was about 12 years old, so that's in the early fifties.

Mr. GREENE. Fifteen years ago. [Laughter.]

Mr. DICKS. Yes, I wish. I wish.

Go ahead. We'll put your own statement in the record. Try to summarize it in five minutes.

Mr. GREENE. Okay. Our community has suffered the loss of two major employers in the past 10 years and at the same time our tribal membership has increased by approximately 35 percent. What our community needs most is more jobs, and the Makah tribal council is committed to a major economic development effort over the next 10 years.

The assistance we seek is primarily to assist our economic development efforts which will help our tribe to stand on its own. This goal applies especially to our two highest priorities, both of which are one-time requests: the Wa'atch Village Revitalization Project and a new storage facility and study facility at the Makah Culture and Research Center. We believe that these complementary initiatives will benefit each other and our entire community.

The Wa'atch Village Revitalization Project is located on the site of one of the five traditional villages of the Makah people and a former Makah air force station. The air force leased this facility

from 1952 to 1988 and paid no regard to property lines. Several buildings in the central "cantonment" area straddle allotment lines and cannot be used without consent from all owners; in two cases, 64 individual owners.

We have identified an acceptable user for this site, Youth with a Mission. They're willing to sign a five-year lease if they can lease the site from one landlord, the tribe. They're discussing setting up a drug and alcohol treatment facility there and allowing the tribe to set up our tribal headquarters and a community library and use of the recreational facilities.

We're requesting $1,651,000 in fiscal year 1991 to buy out the individual interests in the "cantonment", at their most recently assessed value, so the Makah tribe can undertake its Wa'atch Village Revitalization Project.

The Makah Cultural and Research Center, two miles from Wa'atch Village, was created after the excavation of the Ozette archeological site. Ozette produced the largest collection of pre-contact Northwest Indian objects in the world. It was, as one tribal elder said, "a gift from the past."

The MCRC is conducting a $1.6 million campaign to construct a new storage and study facility which will offer space for climate-controlled, secure storage of the entire collection and access to these artifacts by scholars. We've already raised almost $600,000 from the National Endowment for Humanities, corporations, foundations, and the Makah tribe, as well as individual donors.

We are requesting $409,000 from BIA in fiscal year 1991 for the fire walls and doors, the mechanical and electrical systems that will ensure the safety and preservation of these precious artifacts.

Historically, the Makahs were a whaling and sealing tribe, but today fishing is the mainstay of our economy. We conduct the largest and most extensive tribal fishery in the Pacific Ocean in the Strait of Juan de Fuca. We're becoming more active in co-management of game species in our region with the Washington State Wildlife Department.

Mr. DICKS. You're getting down to about the end. Do you want to skip over and talk about the requests you've got?

Mr. GREENE. Yes, I was going right to that next.

We request $256,000 to add four positions to our fisheries and wildlife management staff.

Because of the remoteness of our reservation and its accessibility to ocean-going vessels, our reservation has become a prime landing region for drug smugglers. We are requesting $257,427 so we can further address these problems.

Finally, Mr. Chairman, although this is not a tribal program, we urge the Fish and Wildlife Service to install the water sterilization system at the Makah National Fish Hatchery, as specified in the hatchery's construction plan. Last year the Service destroyed 3.42 million salmon and steelhead eggs at the hatchery because of discovery of VHS there. Installation of the water sterilization system will prevent a recurrence of this disaster.

Mr. DICKS. Yes. Well, I want to make sure my remark is understood. I know this was a terrible tragedy for your tribe and that this virus is a very significant problem, and we're certainly going to try to do everything we can because you were first hit by this,

but it's a problem for our entire region. We are going to see what we can do to help you and the region deal with this problem.

Mr. GREENE. Thank you.

Mr. DICKS. Good. Thank you for a very good statement. We'll put it all in the record.

[The prepared statement of Mr. Greene follows:]

TESTIMONY BY

DANIEL P. GREENE, VICE CHAIRMAN, MAKAH TRIBAL COUNCIL

TO THE SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

HOUSE COMMITTEE ON APPROPRIATIONS

MARCH 14, 1990

Mr. Chairman and Members of the Subcommittee, as Vice Chairman and past Chairman of the Makah Tribal Council, I am pleased to present this testimony on the Interior Department budget for FY 1991.

The Makah Indian Reservation is located on the northwestern tip of the Olympic Peninsula in Washington State, the westernmost point in the lower 48 states. Our remote location presents both difficulties and opportunities for our people. In times past, we were the only major whaling and sealing tribe in the northwestern United States. It has encouraged us to be a self-reliant tribe with a strong sense of our culture and heritage. Our community has suffered the loss of two major employers in the past ten years and at the same time our tribal membership has increased by approximately 35%. What our community needs most is more jobs and the Makah Tribal Council is committed to a major economic development effort over the next ten years. We want our children to remain in our community and have the opportunity to carry on our cultural heritage.

The assistance we seek is primarily to assist our economic development efforts, which will help our Tribe to stand on its own. This goal applies especially to our two highest priorities, both of which are one-time requests---the Wa'atch Village Revitalization Project and the new storage and study facility at the Makah Cultural and Research Center. We believe that these complementary initiatives will benefit each other and our entire community. Our request to upgrade our fisheries management program to assist us in meeting our obligations for cooperative management with the State of Washington and increasing our salmon stock is also vital to this economic development effort.

The Wa'atch Village Revitalization Project is located on the site of one of the five traditional villages of the Makah people and the former Makah Air Force Station. The Air Force leased this facility from 1952 to 1988 and paid no regard to property lines. Several buildings in the central "cantonment" area straddle allotment lines and cannot be used without consent from all the owners; in two cases, 64 individual owners!

We have identified an acceptable user for this site, Youth With a Mission. They are willing to sign a five-year lease <u>if</u> they can lease the site from one landlord, the Tribe. They are discussing setting up a drug and alcohol treatment facility there. They will allow the Tribe to set

up our tribal headquarters and a community library and use the recreational facilities. (Our tribal headquarters building has been condemned since the mid-1970s!) We will work together to host conferences at the site, some in conjunction with the Makah Cultural and Research Center.

We request $1,651,848 in FY 1991 to buy out the individual interests in the cantonment area at their most recently assessed value so the Makah Tribe can undertake its Wa'atch Village Revitalization Project.

The Makah Cultural and Research Center (MCRC), two miles from Wa'atch Village, was created after the excavation of the Ozette Village archaeological site. Ozette produced the largest collection of pre-contact Northwest Indian objects in the world. It was, as one tribal elder said, "a gift from the past".

The MCRC's Makah Museum is currently able to house only one percent of these artifacts. The rest of the collection remains in a converted garage where they are deteriorating and inaccessible to scholars.

The MCRC is conducting a $1.6 million campaign to construct a new storage and study facility, which will offer space for climate-controlled, secure storage of the entire collection and access to these artifacts by scholars. We have already raised almost $600,000 from the National Endowment for the Humanities, corporations, foundations and

the Makah Tribe, as well as individual donors. We are requesting $409,000 from BIA in FY 1991 for the fire walls and doors and mechanical and electrical systems that will ensure the safety and preservation of these precious artifacts.

Historically, the Makahs were a whaling and sealing tribe, but today fishing is the mainstay of our economy, Mr. Chairman. Approximately 50 percent of the income of Makah families is derived from our marine fleet. We conduct the largest and most extensive tribal salmon fishery in the Pacific Ocean and the Strait of Juan de Fuca. We have expanded our fisheries for halibut and sablefish and we harvest more of these species than all other Northwest tribes combined. We are expanding our harvest of crab, sea urchins and other shellfish and our salmon and steelhead hatchery operations. Finally, we are becoming more active in co-management of game species in our region with the Washington State Wildlife Department.

Our fisheries management and hatchery operations resources have not kept pace with our expanded responsibilities. We have been forced to divert fisheries management funds to hatchery operations. We find it increasingly difficult to manage conservation of depressed stocks in conjunction with the many international, federal, state and intertribal commissions and management agencies

overseeing these species. Our small fisheries staff is spread much too thinly.

We request $256,000 to add four positions to our fisheries and wildlife management staff ($120,000), to add two positions to our hatchery operations staff and to cover the increased annual operating costs of our hatcheries ($86,000), and to conduct a feasibility study on the rebuilding of the once-thriving Lake Ozette sockeye run ($50,000). This expansion of our fisheries program will benefit our economy by strengthening both our commercial fishery and our sport fishery.

Because of the remoteness of our reservation and its accessibility to oceangoing vessels, our reservation has become a prime landing region for drug smugglers. Some of these drugs remain on the reservation and contribute to an increasing drug problem among our people. Although alcohol is unlawful on our reservation, we have a longstanding problem with alcohol abuse, not unlike many communities across the United States.

The Makah Tribe has pursued supplementary funding to address our drug and alcohol abuse problems, but these resources have been limited and inadequate. We are requesting $257,427 in FY 1991 so we can further address these problems by: having a police officer on duty from 8 p.m. to 4 a.m.; increasing public awareness of drug and alcohol abuse through education, especially in our schools;

improving our training and equipment; and developing better network arrangements with other law enforcement agencies on drug interdiction. We need to retain our experienced officers who are cross-deputized by the U.S. Customs Service and Clallam County Sheriff's Department. These officers also patrol State Highway 112 under a cooperative agreement with the State of Washington.

Finally, Mr. Chairman, although this is not a tribal program, we urge the Fish and Wildlife Service to install the water sterilization system at the Makah National Fish Hatchery, as specified in the Hatchery's construction plan. Last year, the Service destroyed 3.42 million salmon and steelhead fish and eggs at the Hatchery because of the discovery of viral hemmorhagic septicemia there. Installation of the water sterilization system will prevent a recurrence of this disaster.

Mr. Chairman, we appreciate this opportunity to present our views.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

DAVID LOPEMAN, CHAIRMAN, SQUAXIN ISLAND TRIBE
JAMES PETERS, DIRECTOR OF FISHERIES PROGRAM
ROBERT GOUIN, CHIEF OF THE TRIBAL LAW ENFORCEMENT

Mr. DICKS. The Squaxin Island Tribe, David Lopeman, chairman?

Mr. LOPEMAN. Thank you, Mr. Chairman.

Mr. DICKS. Good. We'll put your entire statement in the record, and you have five minutes to summarize. You can introduce your colleagues.

Mr. LOPEMAN. I'm Dave Lopeman, chairman of the Squaxin Island tribe. I'm joined by Jim Peters, director of our fisheries program; Robert Gouin, chief of the tribal law enforcement.

We submit our written testimony.

The Squaxin Island Indian reservation is located in the southern end of Puget Sound. Our tribe relies on fish, shellfish, and our economy for subsistence.

You've got to excuse me; this is the first time I've done this.

Mr. DICKS. No problem.

Mr. LOPEMAN. Annually, we release 8 million salmon in Puget Sound caught by both Indians and non- Indians. This is the largest salmon production in the western Washington tribe.

Our appropriation request for fiscal year 1991 concerns the fisheries management enhancement efforts and law enforcement needs. Our fishery program needs include the addition of two fishery technicians, a shellfish biologist, and a water quality specialist. Puget Sound experiences extensive recreational and commercial fishing activities. We also request an increase in our fisheries enforcement program for additional control and purchases of both surveillance and communications equipment. We also request money for the feasibility study of the potential hatchery.

These requests currently would benefit the Squaxin Island tribe, but also benefit the non-Indian residents and tourists of Puget Sound and western Washington.

Finally, I request increased appropriations for our Squaxin law enforcement. An increased population in the area and the need for prevention activities has—I'm getting here——

Mr. DICKS. Well, we got the gist of it.

Mr. LOPEMAN. Yes.

Mr. DICKS. We'll see what we can do to help you and appreciate your testimony. You did a fine job.

Are any of the rest of you going to say anything?

Mr. PETERS. No.

Mr. DICKS. Okay. Well, stay in touch with our office, and we'll work with you. Your statement will be in the record. We understand the problems you're facing, and we'll see what we can do to help.

Mr. LOPEMAN. All right. Thanks, Mr. Chairman.

Mr. DICKS. Good. Thank you.

[The prepared statement of Mr. Lopeman follows:]

SQUAXIN ISLAND TRIBE

TESTIMONY OF **DAVID E. LOPEMAN**
CHAIRMAN, SQUAXIN ISLAND TRIBAL COUNCIL
PRESENTED TO THE
UNITED STATES HOUSE OF REPRESENTATIVES
INTERIOR AND RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE
ON THE FISCAL YEAR 1991 APPROPRIATIONS
FOR THE
BUREAU OF INDIAN AFFAIRS AND INDIAN HEALTH SERVICE
MARCH 14, 1990

(Chairman Lopeman is accompanied by **James Peters**, Council Secretary and manager of the Squaxin Island Natural Resources Department and **Robert Gouin**, Chief, Tribal Law Enforcement.)

SQUAXIN ISLAND TRIBAL REQUESTED ADD-ON PRIORITIES FOR **BUREAU OF INDIAN AFFAIRS BASE BUDGET** APPROPRIATIONS:

1. Increase by $34,000.00 the fisheries enhancement allocation to add two full-time techniciana.

2. Increase by $92,000.00 for fisheries management to hire a shellfish biologist and water quality specialist.

3. Authorize a one time hatchery feasibility study costing $100,000.00.

4. Increase fisheries enforcement funding $155,000.00 for boats, vehicles, radios, surveillance equipment, and training; and, $190,000.00 continuing appropriation for additional fisheries enforcement personnel.

5. Increase land based enforcement one time funding $98,000.00 for vehicles, radios and training; and, $126,000 continuing funding for additional law enforcement personnel.

- - - - - - - - - - -

Mr. Chairman and members of the committee: I am David Lopeman, chairman of the Squaxin Island Tribal Council. With me are James Peters, our natural resources manager and also secretary of the tribal council; and Robert Gouin, our tribal law enforcement chief.

The Squaxin Island Tribe is located on the Olympic Peninsula in the State of Washington in Congressman Swift's second congressional district. Our homes are located on approximately 200 acres of land on the mainland and Squaxin Island is the uninhabited portion of our reservation. The island is our principal source of shellfish. We are a small tribe of 414 citizens and we have some 1,200 Indians in our service area. Our size is our problem at times

SQUAXIN ISLAND TRIBE / S.E. 70 Squaxin Lane / Shelton, WA 98584 / Phone (206) 426-9781
Tribal Council (206) 426-9783 Natural Resources (206) 426-9783 Health Clinic (206) 427-9006

in that we have the same requirements as larger tribes. For example, we operate a pre-school or head start program with virtually no outside funding because most available funding goes to tribes that have an Indian school system.

We are aware that the Congress is making every effort to reduce spending and the national debt. However, our request is an investment in the future and our goal of self-sufficiency. We are moving closer to achieving that goal and today approximately 60 percent of our annual budget comes from tribally produced funds.

I would like to talk about IHS funds in general before getting into our specific requests. I am not an expert in government financial budgeting and spending, but I can tell you that the funds currently appropriated and projected for 1991 do not go as far as in the past. As I stated to you in my March 1 letter regarding IHS funding, the increases requested by the administration appears to cover only the amount needed to pay government employees their deserved cost of living increase in salary with very little left to meet the demands of medical care which has a much higher inflationary rate than most other areas. As a consequence we are giving the Indian people less care and in some cases inadequate care because it is cheaper.

Our babies enter the world in some cases doomed to failure because their mother did not get adequate pre-natal care and training, and the baby's delivery is by the cheapest bidder. Our middle aged men and women who are struggling to get or keep jobs cannot because they cannot afford eye glasses, and our elderly cannot get dentures. All of this helps the circle of dependency continue through the generations.

But all is not bleak. Squaxin Island Indians live in the midst of vast natural resources of fish and shellfish that will allow us to achieve our priority goal of self-sufficiency and maintain it for our children and the generations to come. We need help in enhancing those resources, improving the water quality where they grow and by protecting them by enforcement of our laws. We also need law enforcement on land to enable those who want to live in peace, free from drug and alcohol abuse and the crimes that come from abuse. Again, particularly for the young.
This leads to our specific requests for additional funding. Your staff will be presented with more detail of our requests.

ENHANCEMENT

The Squaxin Island Tribe releases an average of 8 million fish into Puget Sound yearly, to be caught both by Indian and non-Indian alike. The Squaxins catch only 2 percent of these fish. This amount of fish is the most raised and released by any tribe in the state of Washington. In terms of funding for enhancement, however, we rank eighth in monies for operation, maintenance and upgrade of our facilities according to the BIA figures. Without this added funding our program will continue to backslide and we would be forced to drop some of our projects, which would adversely effect both sport and commercial fisheries.

FISHERIES MANAGEMENT

The Tribe maintains a shellfish resource which we are responsible to manage.

This requires a tribal employee that has a specialized education in shellfish disease, toxins and certification of harvest areas, an expertise we do not have at this time. One of this employee's most important duties would be to advise regarding enhancement and conservation of this rapidly developing resource. Additionally, the employee would act as the tribal liaison with the Washington Department of Health, the National Shellfish Sanitation Commission and the Food and Drug Administration. This is one of the most promising areas to offer a stable income to our people, especially when we have an unsuccessful fishing season as we did in 1989.

Another important area the tribe needs technical expertise in is water quality monitoring. As stated, our economic and cultural stability is based on water quality. Much of the responsibility for identifying and achieving water quality is shared by Indian tribes with the state of Washington. Water quality and conservation of the resources determines our future.

DESCHUTES RIVER HATCHERY STUDY

The goal of this proposal is to determine the feasibility of acquiring and operating a new hatchery site on the Deschutes River in southern Puget Sound. The hatchery goal would be to provide a sizable increase to the fishery resource of the sport and commercial catch, rebuild chinook stocks, act as a buffer of depressed stocks in other fisheries, and would address many objectives of the Pacific Salmon Treaty, the Pacific Fishery Management Council, the Salmon and Steelhead Management and Allocation Plan, and the Salmon and Steelhead Conservation and Enhancement Act and Enhancement Plan. The tribe has already established evaluation criteria for the study. The study does not necessarily mean that we will be back next year for capital funds for construction; there are other sources that will be sought.

FISHERIES ENFORCEMENT

Protection of our natural resources is inadequate, to say the least, at this time. Our fisheries enforcement needs 24 hour patrols over 1,000 square miles of Puget Sound, dozens of spawning creeks and streams and hundreds of acres of beaches with shellfish on them. It would do no good to do all we are doing if we cannot protect our successes. It is estimated that some 20 to 30 percent of our shellfish are poached each year, measured by harvest against what was planted in the case of oysters.

In addition to personnel we need watercraft to replace ancient equipment that is in the repair shop more than it is on the water, and we need modern equipment to see at night when much of the poaching occurs. The results of increased enforcement could definitely be termed an investment, both in increased income to our members and in achieving our goal of self-sufficiency.

LAND ENFORCEMENT

HUD will build 21 new homes on our reservation this year, there has been a 300 percent increase in reported incidents in 5 years, and a BIA evaluation recommended that the tribe should have a minimum of five officers for land enforcement. We currently have one half-time officer. It is obvious that the majority of the duties are performed by dedicated fisheries officers working

far beyond their assigned hours. There is also a need for a trained detective to conduct narcotics and child abuse investigations, the latter of special interest to Secretary Brown, and additional training and equipment for new officers.

One of the most important components of a police department's mission is the prevention of crime, which obviously our current level of funding does not allow. High visibility police patrols have proven a definite deterrent to the rate of crime in a community, and more importantly, can dispel the fear of crime within the community.

Mr. Chairman and members of the committee, this Squaxin Island Tribal delegation is proud of being allowed to testify before you and regardless of the outcome thank you for the opportunity and for your consideration. We appreciate your efforts in behalf of the American Indian.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

ROBERT JOE, SR., CHAIRMAN, SWINOMISH TRIBAL COMMUNITY
RICK BALIM, CHIEF OF POLICE

Mr. DICKS. We now have the Swinomish Tribal Community, Robert Joe, Sr., chairman.

We welcome you, and we'll put your entire statement in the record. You have five minutes to summarize the high points of your testimony.

Mr. JOE. Thank you, Mr. Chairman. My name is Robert Joe, Sr. I'm the chairman of the Swinomish tribe. To my left is our chief of police officer, Rick Balim.

Mr. DICKS. Welcome.

Mr. JOE. One of the things that we come to talk about is an add-on to our law enforcement program. I'd like at this time to turn it over to Rick.

Mr. BALIM. We're presently requesting two add-ons to the BIA tribe agency base. The first add-on would be for $100,000 in our attempt to bring our present law enforcement group to a working 24-hour-a-day service. When retrocession was granted to us in May of 1987, we didn't really have an understanding of what it would take to make this program a 24-hour-a-day service. We now have the information that we need, and we believe at this point it's going to—we need two more police officers and one more dispatcher.

We also are asking for a $100,000 add-on for judicial services. This is in order to create an equitable justice system for the Swinomish tribe. Out of this package, we're asking for a public defender, a probation officer, and a court clerk.

Presently, when a member of the Swinomish tribe is brought before the court system, there is no one there to stand for them. It's our belief that this is an incorrect situation and a non-equitable justice system.

Mr. DICKS. Okay.

Mr. JOE. We have many other things. Our Indian health services, we need to—we have one sanitation engineer who is taking part in four tribes right now. They plan to take him and move him out to other tribes as well. He visits our reservation. We need to have two put back into that place, so that we will be able to take care of our needs on our reservations as well. They took one away a couple of years ago, and we need to replace him.

There's another one. For our Indian mental health program, we request $50,000 as a supplement to IHS money to adjust these critical mental health needs. We have a lot of our people now that have—because there are not enough people to come down and talk to these folks, begun to turn suicidal. There are many other things that need to be talked about in that. They're all in my statement.

Medicare, I don't know that much about.

The IHS in Portland has taken a drastic $2 million cutback. This year they've had to give pay increases and merit raises, plus this $2 million cutback. We're really scared because that will come out

of our contract help. We won't be getting the services that we really need. Somewhere along the line it has to be replaced in there to where, when they get merit raises, somebody has to take care of that. We feel that that should be taken care of from here.

That's one of those issues. Right now—the only way that our Indian people can go see the doctor is if they're in a life-threatening situation. We——

Mr. DICKS. They have to go all the way to Portland?

Mr. JOE. No, no.

Mr. DICKS. You have a contract arrangement with somebody locally?

Mr. JOE. Yes. We have one that's up in Bellingham that works with Portland offices.

Mr. DICKS. All right. Okay. Well, that was a very good statement.

[The prepared statement of Mr. Joe follows:]

Phone (206) 466 3163

Swinomish Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476

P.O. Box 817 • 950 Moorage Way
LaConner, Washington 98257

Testimony of
Wa-Walton, Robert Joe, Sr., Chairman
Swinomish Tribal Community
Before the
House Interior and Related Agencies Appropriations
Subcommittee Hearing
on the
Fiscal Year 1991 Budgets of the BIA & IHS
March 14, 1990

Swinomish Tribal Community Appropriations Priorities: Tribal Level

1. Increase of $100,00 for Swinomish Law Enforcement Program added to BIA Tribe/Agency Base.

2. Provision of $100,000 to strengthen Swinomish Judicial Services Program added to BIA Tribe/Agency Base.

3. Increase of 2 FTE's for the Northwest IHS Service Unit to allow each of the four participating tribes to have their own Sanitation Engineer.

4. Provision of $50,000 in IHS for Swinomish Mental Health Counselling Program (1.0 FTE)

Swinomish Tribal Community Appropriations Requests and Recommendations: Regional Level

* Restore the $2 million Timber-Fish-Wildlife Program and increase to $2.86 million added to BIA Wildlife and Parks Tribe/Agency Base.

* Increase U.S. Section of U.S./Canada Pacific Salmon Treaty Commission by $198,000 added to BIA Wildlife and Parks Base.

* Restore the $200,000 for Tribal Fish Hatchery Maintenance, increase to $250,000 and add to BIA Wildlife and Parks Tribe/Agency Base.

* Restore the $100,000 for Unresolved Hunting and Fishing Rights, increase to $500,000 and add to BIA Wildlife and Parks budget base.

* Direct the IHS Portland Area Office to terminate the Fiscal Intermediary contract and restore the Contract Health Services operations in the Pacific Northwest.

* Increase IHS Portland Area Office Contract Health Services Appropriations to address unmet treatment needs to Tribal members.

* Prohibit BIA/IHS from reducing Tribal programs to supplement administrative costs.

Swinomish Tribal Community Appropriations Recommendations: National Level

* Support appropriations for an IHS feasibility study on an Inter-Agency Transfer of Medicaid/Medicare funds to the IHS.

* Prohibit the transfer of IHS Headquarters to Albuquerque or the creation of a new Technical Support Center prior to extensive cost/benefit analysis and Tribal consultation.

* Increase IHS appropriations for American Indian mental health programs.

* Restore the $3.1 million reduction for BIA-JOM to FY90 level.

* Restore BIA Pre-School Handicapped funding to FY89 Level and allow Tribes to 638 Contract and serve Birth-Three year olds.

* Restore the $1.36 million reduction for BIA Scholarship to FY90 level.

* Restore the $1.3 million reduction for BIA Welfare Assistance and increase to address unmet needs in the Pacific Northwest.

* Restore the $4 million reduction for BIA Tribe/Agency Aid to Tribal Government.

* Restore the $1.6 million reduction for BIA Fish Hatchery Rehabilitation to FY90 level.

* Restore the $59 million reduction for IHS facilities construction.

* Increase BIA Indian Child Welfare Grant Program to address nationwide unmet needs.

* Make BIA Small Tribes Core Management Program an entitlement similar to Aid to Tribal/Government.

I am Wa-Walton, Robert Joe, Sr., Chairman of the Swinomish Indian Tribal Community located in Northwest Washington State. I am joined today by our Swinomish Tribal Police Chief, Rick Balam, who is available to answer any technical questions you may have regarding our appropriations request for law enforcement and judicial services.

I appreciate the opportunity to address this Congressional Appropriations Subcommittee regarding the Fiscal Year 1991 budgets for the Bureau of Indian Affairs and Indian Health Service. I would like to focus my remarks and recommendations on three issues of priority concern for the Swinomish Tribal Community; namely, (1) the Tribal administration of Justice for the Swinomish Indian people; (2) the provision of at least adequate health care to Indian people; and, (3) the protection and enhancement of our salmon and our environment.

Swinomish Law Enforcement Increase Necessary for Protection & Enforcement Demands

The Swinomish Tribal Community law enforcement program was initiated in mid-May of 1989 after the Interior Department's official acceptance of our retrocession from Washington State P.L. 280 jurisdiction. In anticipation of this retrocession action, Congress provided $150,000 for Swinomish law enforcement in the Fiscal Year 1989 Interior and Related Agencies Appropriations added to the BIA Tribe/Agency Base. As our law enforcement program did not become operational until mid-FY89, a substantial carry-over was available to supplement our FY90 program operation.

Since the Swinomish law enforcement program has been operational for almost two years, we have actual experience as our guide to the true costs in providing law enforcement services to the Swinomish people. The Swinomish Indian Reservation is located along Interstate Highway 5 North of metropolitan Seattle. The reservation has civil and criminal disturbances normally associated with communities experiencing high poverty levels. The neighboring Skagit County Sheriff's Office has been non-responsive to reservation-related incidents requiring our law enforcement personnel to also address traffic infractions and civil disobedience by non-Indians. A population expansion and industrial development in our rural area near Seattle has dramatically increased Swinomish Police Department cases from 200 in FY88 to a projected 2000 in FY90.

The Swinomish Tribal Senate considers law enforcement a primary government service for its membership. Our current police force cannot provide twenty-four hours, seven days a week service offering periods of criminal opportunity which subsequently increase pressures on police personnel operations and morale. Our requested increase of $100,000 added to the BIA Tribe/Agency law enforcement base will provide for two full time police officers, a full time clerk/dispatcher, operation and maintenance expenses for police vehicles, training and associated program costs.

Tribal Justice System Incapable of Offering Efficient & Effective Judicial Services

The effective and efficient administration of justice is uniquely important in a reservation community. Tribal court actions most certainly influence public attitudes towards the tribal resolve to address criminal behavior. With a new, operational police department, the number of cases referred to our court system has increased. With a Northwest Indian Court System-supported part-time judge and a court clerk borrowed from the police department, our justice system barely functions.

The BIA and the U.S. Attorney's office have made it clear to other Indian Tribes in Western Washington that Major Crimes Act (18 U.S.C. 1163) violations are very low on their priorities to investigate and prosecute. This leaves only a Tribal Court to handle the majority of the crimes against property and persons on the Reservation.

The Swinomish Tribe is revising its Law and Order Code to include the U.S. Major Crimes Act and make these violations punishable to the maximum of the amended Indian Civil Rights Act of one year incarceration and/or $5,000 fine. This will mean higher incarceration expenses for those defendants sentenced to jail. The present incarceration contract rate is $29.00 per day. At present, incarceration decisions by

incarceration contract rate is $29.00 per day. At present, incarceration decisions by the Tribal Court are often subject to the availability of funds from Whatcom County Jail services.

Although Swinomish participates in the Northwest Indian Court System (NICS), the Court services are extremely limited due to sixteen Tribal governments in the system. We request an increase of $100,000 added to the BIA Tribe/Agency budget base for Swinomish judicial services and detention expenses. This increase would provide a prosecutor, public defender, court clerk and probation officer. Contract jail expenses, training and operational costs would also be covered. This increase would allow the Swinomish people to receive efficient and effective judicial services in our community.

Local Sanitation Engineer Needed Full-Time for Tribal Community

We are justifiably perplexed and frustrated that the Indian Health Service operations and support at the tribal level diminishes each year while the general IHS administration budgets continue to increase. I offer our experience with IHS sanitation engineering services as a prime example.

Until 1988, we received excellent assistance from our local IHS Service Unit Sanitarian. We have constructed new water and sewer systems, fluoridated and chlorinated our water, and now have adequate supplies of safe water. We currently share one Sanitarian among the four Tribes in our Service Unit. But now, IHS says that we will lose half of the technical support available to our operator, and we will share our Sanitarian with another Service Unit. We request that two FTE's be added to the IHS Northwest Service Unit to adequately address sanitation engineering needs on each reservation. Population growth and economic development on our reservation will demand Sanitation Engineering services for our reservation.

Swinomish Needs IHS-Supported Mental Health Program

We are currently dramatically underserved in the area of mental health by the IHS Service Unit Field Health staff, less than 0.75 FTE. Indian people with critical mental health problems need counseling and therapy, including children who have been molested, youth with chemically dependent parents, victims and perpetrators of violent crime, and people who are high risk for suicide. The community must have its own funding, so that a sense of ownership is present, for therapy and counseling to succeed. We request $50,000 in supplemental IHS funding to address these critical mental health problems.

IHS Fiscal Intermediary System Should Be Terminated; Feasibility Study Needed on Medicaid/Medicare Transfer To IHS

The Swinomish Tribal Community has always been opposed to the Fiscal Intermediary (FI) contract let by the IHS. We have experienced so many problems with the system. Delays in payments continue. The quality of utilization and cost statistics for CHS have deteriorated. The cost to IHS of $1.5 million is outrageous. The FI contract should be terminated. CHS payment responsibility should be returned to the service unit and Area level.

We are also opposed to the process that requires individual Indians to verify that the IHS is the "payor of last resort". Forcing Indian people through the Medicaid and Medicare application process can be most degrading and humiliating, especially for those who are ineligible. This is a time-consuming and costly administrative process. The IHS should be able to annually project Medicare and Medicaid funds that individual Indians will be eligible to receive, and negotiate an annual transfer of funds to IHS. We support the funding of a feasibility study of an Inter-Agency transfer of Medicaid and Medicare (M/M) funds to the IHS.

Direct Service Delivery & Tribally-Operated Programs Should Be the IHS & BIA Priorities

I have provided this Congressional Subcommittee with a basic listing of regional and national recommendations on the BIA and IHS FY91 budget for your consideration. Basically, I request that priority be given to services and programs directly impacting our Indian people. We do not have an IHS-operated hospital in the Pacific Northwest so Contract Health Service (CHS) is a major concern. For several years now, we have existed under IHS Priority One rules which provide direct health care only in life-threatening situations. Where, I ask, is the "service" for Pacific Northwest Indian Health? The IHS Portland Area Office was reduced by $2 million this year to absorb administrative costs. These reductions, unfortunately, will be borne at the local level.

The Health Care Improvement Act authorized the use of the Health Services Priority System. This system is used to address relative funding deficiencies. We urge you to direct the IHS to refine the HSPS methodology to more equitably address the YPLL (Years of Productive Life Lost).

We Value Our Renewable Natural Resources; BIA Fisheries Programs Need to be Restored and Expanded

I remember from my childhood the abundance of the anadramous salmon fisheries of the Pacific Northwest. As Indian people, the natural environment has always been respected culturally and spiritually. Industrial development, environmental degradation, salmon commercial harvesting beyond sustainable capacities, and the countless scars upon the earth have required human intervention to protect and restore nature's abundance. The BIA, unfortunately, has chosen to reduce these preservation and enhancement programs in the Pacific Northwest.

The twenty-six American Indian Tribes in Washington State signed an historic ACCORD with the Governor last year with a commitment to coordinate and cooperate in the future. The Timber-Fish-Wildlife (T-F-W) program has allowed the Tribes, Washington State, and the timber industry to work collectively to protect the environment and enhance the fish and wildlife. Our independent support through the BIA allows Tribal leaders and technical advisors to participate as equal partners in the T-F-W process. The T-F-W program, initiated by Congress in Fiscal Year 1988, has been eliminated each year in the BIA budget justification. I urge Congress to once again restore the $2 million T-F-W program and consider an increase to $2.86 million to assist us in addressing unmet needs.

The Congress also began a Tribal hatcheries cyclical maintenance program as well as a hatcheries rehabilitation program several years ago similar to Fish and Wildlife Service programs. Our Western Washington Tribes contribute one-fourth of the salmon fingerlings in Washington State. I request that the hatcheries cyclical maintenance program be restored and expanded to $250,000 and that the Hatcheries Rehabilitation be continued at $1.6 million in FY91.

Unresolved fishing, hunting, and habitat protection issues continue across the nation between Tribes protecting their treaty rights and non-Indian incessant demands. I believe it is most short-sighted of the BIA to reduce this critical program to $50,000 in FY91. Almost all the anti-Indian legislation introduced in Congress and State-Tribal conflicts are generated by Tribal-State conflicts in this field. I urge Congress to increase this important program to $500,000 in FY91 to assist Tribes in protecting their treaty rights and securing reasonable solutions to these conflicts.

BIA Should Support Tribal Pre-School Handicapped Programs

The BIA funded tribal contracts for Pre-School Handicapped services to 3-5 year olds in FY88 and 89. These contracts were terminated in mid FY89 and no contracts were available to Tribes without BIA schools in FY90. We must have BIA funding to supplement existing Local Education Agency funding to adequately meet the needs of handicapped Indian pre-school students. We also need to provide intervention services through Tribal contracts to serve Birth-Three year olds. Studies show that the majority of expressive and receptive language skills are learned by the age of 3. Our own studies show that language is the area of greatest deficiency for our school age children. We request restoration of BIA Pre-School Handicapped funding to the FY89 level and allow Tribes to 638 contract, even those without Tribal schools, and allow us to also serve Birth-Three year olds.

In conclusion, I appreciate your attention and consideration of my expressed concerns and recommendations. We would be pleased to respond to any questions on my presentation.

Thank you.

testimon.251
3/13/90

Mr. DICKS. I have a quorum call and I have to go over to vote, but we're going to keep working until we get right down to the last couple of minutes and then we'll run over to vote.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

GEORGIA GEORGE, CHAIRPERSON, SUQUAMISH TRIBE

Mr. DICKS. Now we have the Suquamish Tribe, Georgia George, chairperson.

Welcome.

Ms. GEORGE. Good afternoon.

Mr. DICKS. We'll put your entire statement in the record, and then we'll give you five minutes to summarize.

Ms. GEORGE. I understand that you have some things that you need to take care of this afternoon, so I'm going to be brief and to the point.

In regard to the Suquamish appropriations for next year, we have some highlighted areas in our testimony. One of the major concerns that I have is the need for a social service facility. We have been providing various services to the community in regard to education, day care services and health care services.

We have 15 to 20 personnel providing counseling and classroom instruction to the Indian and non-Indian members of the community. We're doing that right in the middle of our tribal center where we're trying to conduct our general business operations.

So, what we're looking at is a request for a $945,000 education facility building. We'll use it for social services and move our Indian child welfare programs and counseling services into that site.

In regard to resource enhancement, the Suquamish tribe has concerns about the shellfish in Kitsap County. Seventy-five percent of the beaches in Kitsap County are now polluted, and the shellfish are not edible from these beaches. We have currently an adjudication of the issue pending under the Boldt decision. We are proud of our heritage of being shellfish people, and I think that shellfish is an indicator on how much you really care about your environment. There needs to be an effort to clean up Puget Sound. I think that the tribes can play a very important role in orchestrating that effort once we get an established shellfish right under the new ruling that we petitioned under the Boldt decision.

But, we are inundated with development in Kitsap County. There is environmental deterioration of the streams and pollutants to the shellfish. We need to start looking at these habitat areas and figure out how to keep them from being polluted and how to look at long-range management and use of those resources.

I'm not just talking for the Indian community here. I'm talking for the non-Indian community and recreational use as well as commercial and traditional subsistence uses by the tribes.

The tribe, once again, is proud to claim that we are the fourth largest tribal producer of salmon and steelhead in the Boldt case area——

Mr. DICKS. Good.

Ms. GEORGE [continuing]. In western Washington. We do need to have a fisheries management appropriation of $50,000 that needs to be restored and increased under the BIA wildlife and parks budget base. It will provide for Suquamish fisheries' management of one biologist, a shellfish biologist, and two very needed enforcement officers. We have one of the biggest fishing areas to cover for enforcement also.

We have a need in our museum for operational monies. As you know, the Suquamish museum doesn't receive any operational support funds and must rely primarily on income that's earned from admissions, events, and product sales. We would request an annual appropriation of $25,000 over the next five years to assist museum staff in the areas of marketing, setting up an advisory board, a membership program, a museum store, and feasibility planning for a new museum site.

I appreciate the funding that we got last year to increase our law enforcement services to the public. It's been working out very much to our advantage and to the betterment and safety of the community. We need an additional $82,000 for judicial services. In other words, we're looking at getting our police department squared away, and the next thing is to get our judicial services updated and get some more court—some judges in there. We also need a public safety facility building, a new construction of $275,000. We're currently operating in a rundown trailer with the police on one end and the court on the other. We need to have credibility and respect in our judicial arm of our government branches, and all this plays into that.

If you have any questions, I can answer anything. But, if not, I appreciate your time.

Mr. DICKS. Well, we appreciate your being here, and that was a very excellent and succinct testimony. Stay in touch with myself and the staff, and we will see what we can do to help this year.

Ms. GEORGE. Thank you, Mr. Dicks. Please come by and visit our museum sometime.

Mr. DICKS. We will. I want to do that; absolutely.

[The prepared statement of Ms. George follows:]

Area Code (206)
598-3311

THE SUQUAMISH TRIBE

P.O. Box 498 Suquamish, Washington 98392

Testimony of Georgia C. George
Chairperson of the Suquamish Indian Tribe
Before the
House Interior & Related Agencies
Appropriations Subcommittee
on the
Fiscal Year 1991 Appropriations for BIA & IHS
March 14, 1990

Summary of Suquamish Tribal Appropriations Priorities: Tribal Level

1. Restoration and increase for Suquamish Fisheries Management of $172,000 added to BIA Wildlife and Parks Tribe/Agency Base.
2. Provide $25,000 for Suquamish Tribal Museum Operations added to Indian Arts and Crafts Board Base.
3. Increase for Suquamish Judicial Services by $82,500 added to BIA Tribal Services Tribe/Agency Base.
4. Provide $285,000 to construct/equip a Suquamish Tribal Public Safety Facility.
5. Provide $945,000 to construct/equip a Suquamish Tribal Social Services and Education facility.

Summary of Regional Concerns and Recommendations

* Restore $2 million for Timber-Fish-Wildlife program and expand to $2.86 million for FY91.

* Increase of $198,000 for Tribal participation in U.S./Canada Pacific Salmon Treaty added to BIA Wildlife and Parks base.

* Increase Unresolved Hunting and Fishing Rights account in Wildlife and Parks to $500,000 to address complex co-management issues such as shellfish and hunting.

* Restore/increase Tribal Hatcheries Cyclical Maintenance to $250,000 for FY91.

* Increase IHS Portland Area Office Contract Health Care to address chronic shortfall of available medical/dental treatment.

Summary of National Concerns and Recommendations

* Restore the $3.1 million reduction for BIA-JOM to FY90 level.

* Restore the $1.36 million reduction for BIA Scholarships to FY90 level.

* Restore the $1.3 million reduction for BIA Welfare Assistance and increase to address unmet needs in the Pacific Northwest.

* Restore the $1.75 million Small Tribes Core Management Funds Transferred by the BIA to Self-Determination Services.

* Restore the $4 million reduction for BIA Tribe/Agency Aid to Tribal Government.

* Restore the $1.6 million reduction for BIA Fish Hatchery Rehabilitation to FY90 level.

* Restore the $59 million reduction for IHS facilities construction.

* Increase BIA Indian Child Welfare Grant Program to address nationwide unmet needs; and require the BIA to contract all program dollars for services.

I am Georgia George, Chairperson of the Suquamish Indian Tribe. I appreciate the opportunity to present the requests and recommendations of the Suquamish Indian Tribe regarding the Fiscal Year 1991 budgets of the Bureau of Indian Affairs and Indian Health Service.

Background on Tribal Situation

The Suquamish Indian Tribe, located on the Port Madison Reservation on the Olympic Peninsula, is situated across Puget Sound from Seattle, Washington. We operate an active fisheries management and enhancement program, an aggressive social services program, a successful forestry initiative, and justice services through our court system and law enforcement. The Suquamish Tribal and Cultural Center serves the Tribes' administrative needs and houses our internationally-recognized museum.

We are a relatively small tribe located close enough to Seattle and industrial complexes to experience the pressures of developments demanding our land and resources, the problems of society creating drug dependency and domestic violence, and the potential for economic development. We maintain a strong Tribal identity and an independent Tribal government.

The Port Madison Indian Reservation encompasses 8,000 acres on the west side of Puget Sound on the Kitsap peninsula, and is within the confines of the northern portion of Kitsap County. The population consists of 1,600 Indian and 5,200 non-Indian residents. Approximately 18,000 vehicles pass through the reservation daily on a network of eighty-seven miles of roads and highways. There are about 2,500 residences, 2 volunteer fire departments, 2 schools, 4 churches, and 75 businesses on the reservation.

Increased Appropriations Requested for Tribal Fisheries and Shellfish Management and Enhancement

The Suquamish Indian people have traditionally relied on the abundant seafood of Puget Sound for subsistence and commerce, particularly the salmon and shellfish. Our treaty-protected "usual and accustomed" fisheries management area extends from the Southern end of Hood Canal to the Canadian border, an area that varies in width from 10 to 40 miles and over 150 miles in length. Our accessible and traditional shellfish harvest area,

currently in adjudication, covers the most beach acreage of any Western Washington Tribe.

The neighboring Kitsap County is experiencing the highest population and development growth rate in Washington State, due in part to the presence of the Trident Submarine Base at Bangor. Development means environmental deterioration of our salmon spawning streams and pollution to the shellfish beaches. The Tribe needs fisheries and shellfish biologists to monitor these natural habitats and to coordinate with County/State authorities to ensure that critical natural areas remain productive and healthy. For instance, the abundant Puget Sound shellfish resource is being poorly managed due to confusing and inefficient State beach certification process. The Tribe needs a shellfish biologist to develop a comprehensive shellfish data base and monitoring program to protect and manage the Tribe's treaty resource.

The Suquamish Tribe is the fourth largest Tribal producer of salmon and steelhead in the Boldt Case Area of Western Washington State. Our production capacity is due in large measure to extensive cooperation with the Washington State Department of Fisheries and private non-Indian fisheries clubs in maintaining off-reservation satellite salmon egg incubation stations and rearing ponds in small streams and tributaries. As these satellite stations are off-reservation, they do not comply with BIA requirements for funding under the Hatcheries Cyclical Maintenance or Hatcheries Rehabilitation programs. Many of these satellite stations need maintenance or replacement and additional sites are planned. This unique salmon enhancement program, besides being biologically productive, has created extensive good will and understanding with our non-Indian neighbors.

The Suquamish Tribe's "usual and accustomed" fishing area is the largest of any Tribe in Western Washington. Currently one and one-half enforcement officer positions are employed to monitor this area that also experiences extensive non-Indian commercial and recreational boating. Our request for appropriation increases would support two additional fisheries enforcement officers allowing a targeted surveillance and enforcement within a fifty mile radius of the reservation.

In Fiscal Year 1990, Congress increased the Suquamish fisheries management appropriations by $50,000. The BIA has eliminated this increase in its FY91 Budget Justification. We request that this fisheries management budget be restored and increased to $176,000 added to the BIA Wildlife and Parks budget base. The increase would provide the Suquamish Fisheries Management program with one fisheries biologist, one shellfish biologist, two fisheries enforcement officers, and management functions. Also, the off-reservation satellite facilities repair, replacement and new site development initiative will be supported through this appropriation increase.

Suquamish Museum Needs Operational Support

The Suquamish Tribe created the Suquamish Tribal Cultural Center in 1977 dedicated to the preservation, documentation, and education of the Suquamish Tribal history and culture. Today, the Suquamish Museum is the primary repository for historical and cultural artifacts of the Suquamish and Puget Sound Salish Indian cultures. Unlike most other professional museums, the Suquamish Museum does not receive annual operational

support funds and must rely primarily on income earned from admissions, events, and product sales. The Suquamish Tribe contributes annually to the Museum to address recurring deficits.

The Suquamish Tribe requests an annual appropriation of $25,000 over the next five years to assist the Museum staff maintain operations, continue research and preservation activities, and aggressively shift the Museum to a self-sufficient operation. The major areas to be explored in this self-sufficiency effort include:

1) Marketing: Employment of a part-time marketing assistant and increased advertising for the tourism market.
2) Advisory Board: Recruitment and creation of a separate Museum Advisory board of Indians and Non-Indians to assist in securing philanthropic support.
3) Membership Program: Initiation of a membership drive.
4) Museum Store: Increase the existing store product line and improve store operations.
5) Feasibility Planning for New Museum Site: The Tribe envisions moving the Museum to a more accessible site along highway 305, a main thoroughfare through the reservation. This would increase the Museum's public visibility and allow for larger exhibitions in coordination with other planned Tribal developments.

Increased Appropriations Needed for Tribal Judicial Services

The Suquamish Tribe requests an increase of $82,500 to improve the tribal Judicial Services as added to the BIA Tribal Services Tribe/Agency base for Tribal courts.

Present funding levels provide for a part-time Chief Judge, half time court clerk, and part time Prosecutor. Court records and case files are done manually and file maintenance, storage, and security are inadequate. There is no money to pay for court appointed defenders and often cases must be dismissed or continued because the defendants cannot afford representation. Current funding allows for only five days per month for the Chief Judge to conduct court business. Some cases take as much as six months to adjudicate creating excessive case backlogs eroding public confidence in our capability to administer justice effectively. Present justice program staff are well trained, but are simply being overwhelmed by increasing caseload requirements.

In addition to the hearing and disposition of court cases, the Tribal court is expanding its administrative functions to other areas of civil law, including a more active role in mediating Indian Child Welfare cases with foster care agencies, state and local courts, and dysfunctional families. Other activities include civil actions regarding disputes arising from contracts and sales agreements, personal injuries or property damages, enforcement of leases, and a wide variety of other civil actions.

The FY91 Judicial Services appropriation increase will provide a half-time Chief Judge and full-time Court Clerk. A Prosecutor and Public Defender are provided for under contractual services. Full funding will allow the court to clear its present backlog of approximately 60 cases, process an estimated 150 new cases annually, and conduct other routine daily court activities. We will also purchase a computer, printer, software, and

back-up system to streamline the record keeping, monitoring, and tracking system necessary to support the judicial program.

A Tribal Public Safety Facility is Sorely Needed With A Construction Estimate of $275,000

The present Suquamish Public Safety Building, accommodating both law enforcement and court operations, is a deteriorated modular house approximately 20' wide by 40' long (800 sq. ft.) Court sessions are presently conducted, by necessity, with little confidentiality and are often interrupted by law enforcement activity or by members of the public entering or leaving the building on routine business. There are no private offices or areas for prosecutor or defender counseling and the nearest law reference library is located five miles away at the Suquamish Tribal Center. Police activity, confined to 450 square feet of this building, does not provide for a secure evidence room, weapons and equipment storage, interview room or sufficient holding areas for prisoners awaiting transfer to contracted jail facilities. The Tribal police and court personnel must administer and adjudicate justice in a converted, outmoded building. The Suquamish Tribal Public Safety Building will be located in downtown Suquamish, on tribally owned land, in an area convenient to other public facilities. The 3300 square foot building will separate court from law enforcement areas, but will offer easy access while providing security, convenience, consultation areas, and a law library and records space. The law enforcement area will include two holding cells, evidence room, weapons and storage room, interview room, and office space as required.

Funding Requested for New Social and Education Services Facility

The Suquamish Tribe requests $945,000 added to the Bureau of Indian Affair's Facilities Construction Account in Fiscal Year 1991 to build a Tribal Social and Education Services facility. The building will provide general office spaces for fifteen to twenty personnel with sufficient counseling space and two classrooms which would hold up to thirty students each. The facility would total approximately 10,000 square feet at a cost of approximately $87.00 per square foot or $870,000 plus $75,000 for equipment totalling of $945,000.

The Tribal social services and education personnel are currently housed in the busy main Tribal office in cubicle modular office spaces. Due to the often sensitive nature of their counseling and assistance services, their physical location becomes an obvious deterrent for those seeking services without public scrutiny. Privacy and confidentiality, requirements for Indian Child Welfare and family abuse services, are near impossible. A separate, remote facility would certainly improve the quality of individual and group services for the Suquamish community.

Tribal Shellfish Harvest Rights Is An Increasing Volatile Issue Requiring Federal Protection and Support

Suquamish tribal members have traditionally harvested shellfish from the Puget Sound beaches for commercial and personal consumption purposes. Pollution has limited access to this resource. Non-Indian shoreline residents and local police have threatened

violence against our shellfish gathers. It is a complex natural resource co-management issue requiring resolution. Therefore, we request a $500,000 increase to the Unresolved Fishing and Hunting Rights account with directive instructions that a portion of these funds address the tribal shellfish rights in Puget Sound.

T-F-W Program Needs Restoration and Increase

The Timber-Fish-Wildlife (T-F-W) program in Washington State is a unique collaborative effort by the Indian Tribes, State government, and timber industry to preserve and protect fisheries and wildlife habitats. With funding through the BIA Wildlife and Parks, Tribal leaders and technicians have been able to successfully negotiate agreements to protect these resources from development encroachment or timber harvest destruction. The BIA has again eliminated this critical initiative in FY91 with the specious reasoning that the State and timber industry should provide the support for Tribal involvement. We request that the $2 million T-F-W program be restored in FY91 and increased to $2.86 million to address unmet environmental needs. As further justification, the Environmental Protection Agency has completely ignored the existence of Indian tribes and our collective 52 million acre jurisdictional responsibility in its FY91 Budget Justification.

Direct Tribal Programs/Service Should Be Held Harmless

The Suquamish Tribe is relatively small and does not have the discretionary monies to offset program reductions. BIA Central routine administrative decisions to reduce Tribal program funds began as a ripple in Washington, DC, but hit small tribes like a tidal wave. Two current examples should illustrate. First, the BIA has proposed the elimination of the $1.75 million Small Tribes Core Management Grant Program by transferring the funds to Self-Determination Services. The Suquamish Tribe loses an important administrative support resource. Second, the BIA now requires Tribes to cover their Indian Child Welfare Grant indirect costs with program funds. The result is one less Suquamish social worker and twenty-five children left unserved.

Tribal Governments Should Be Given Highest Priority in Appropriations Considerations

I have summarized our concerns and recommendations regarding regional and national BIA/IHS appropriations. Given space limitations, we cannot expand on our narrative justifications. However, the Suquamish Tribe requests the Congress to direct through the appropriations process, that resources channeled through the BIA/IHS for direct tribal management and services' delivery be restored, expanded and protected. If the bureaucracies are to exist for our benefit, then it is a most logical assumption that our capacity to govern, manage, develop, and deliver services is given highest priority.

Thank you for your time and attention.

testimon.332
3/13/90

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

GAIL K. GREGER, FISHERIES MANAGER AND CHAIRPERSON, STILLAGUAMISH TRIBE

Mr. DICKS. We want now the Stillaguamish tribe, Gail Greger, chairperson.

Gail, sit down. Have a seat. We'll put your entire statement in the record, and you have five minutes to summarize.

Ms. GREGER. Thank you, Mr. Chairman. I appreciate your allowing me to bring my proposal before you.

Our proposal consists of an additional $116,650 for our fisheries department. We're requesting an additional five people for our fisheries staff: three technicians, a biologist to assist us with our hunting and shellfish rights, and another enforcement officer. We only have one at the moment, and we really need a backup because the night shifts are pretty dangerous.

I would also like to verbalize my support of Billy Frank's request for an addition to the fish and wildlife, as we are a small tribe and have no large land base and no oil and no timber. The monies that we get a lot of times are divided with larger tribes.

An example of our shortcomings is the two fish and wildlife—we went jointly with the Puyallup. Of the $90,000 the first year that we were allotted, we ended up with $3,000 of it. The second year we ended up with $6,000, and the third year we ended up with $13,000. So, I would appreciate your consideration of Billy Frank's request.

Mr. DICKS. Certainly.

Ms. GREGER. On behalf of the Stillaguamish tribe, I thank you.

Mr. DICKS. Well, good. We'll follow your situation closely. We appreciate your testimony. We'll see what we can do this year.

Ms. GREGER. Okay.

This is my executive director——

Mr. DICKS. Right.

Ms. GREGER. Dave Koenigs.

Mr. DICKS. It's very nice to meet you.

Ms. GREGER. Our last page is kind of a wish list. It's just to demonstrate what we feel are our unmet needs.

Mr. DICKS. Okay, thank you.

Ms. GREGER. Thank you very much.

[The prepared statement of Ms. Greger follows:]

TESTIMONY TO THE HOUSE APPROPRIATIONS
SUBCOMMITTEE FOR THE DEPARTMENT OF INTERIOR
AND RELATED AGENCIES

From the Stillaguamish Tribe of Indians
14 March 1990

Chairman Yates, and honorable members of the Committee, I am Gail K. Gregor, Chairperson of the Stillaguamish Tribe of Indians of Washington State.

For your information, the Stillaguamish Tribe is one of the Stevens Treaty tribes. We are a small tribe (174 enrolled members) located on Puget Sound near Everett. As a result of an oversight by Governor Stevens we were not allotted any reservation lands. Since becoming federally recognized in 1976 the tribe has managed to establish a land base totalling approximately 42 acres at 4 distinct locations.

As a result of the Boldt Decision of 1974 (U.S. v. Washington) we are considered co-managers of the fisheries resource with the other Stevens Treaty Tribes and the State of Washington. Out of our total enrollment, about 40 individuals will actively participate in tribally regulated commercial fisheries this year. They will spend virtually all of the resulting income and obtain all of their support services locally.

The Stillaguamish received it's first fisheries services contract for $13,000.00 from the Bureau of Indian Affairs in 1977. With that funding we were able to raise a few thousand salmon in 8 foot plastic swimming pools purchased from Sears. Today we operate a small, low tech hatchery capable of incubating and hatching several million salmon eggs. When I say low-tech I am referring to the shoestring budget type facilities. Our fish culture methods however, are on a par with any facility in the country thanks to qualified staff professionals. We are also attempting to bring another hatchery facility on line. The tribe has leased a site and uses existing staff as time allows and volunteer help to operate it. With these two facilities we currently produce chinook, coho, and chum salmon for commercial and recreational harvest by Indians as well as non-Indians.

Since that first contract in 1977 we have made significant progress. I mean significant in terms of moving the Stillaguamish Tribe closer to self-sufficiency and in terms of effective management of our fisheries resource. We feel encouraged by the growing spirit of cooperation among the agencies engaged in managing the fisheries of our region. This cooperative effort has joined the technical and political expertise of former adversaries and has led to the development of an international treaty and several regional management plans. Our collective efforts have yielded innovative progress which are seen as models for other states and regions.

Our new cooperation has also increased our responsibilities and demands on staff time. Today we find ourselves involved in such activities as the U.S. Navy Homeport at Everett, the U.S./Canada Salmon Interception Treaty, Shellfish and Hunting rights protection, Pacific Fisheries Management Council, Intertribal Salmon and Steelhead Allocation

Mediation, and Washington State Watershed Planning to name but a few. As a result there are issues of significance and contract related duties that do not get the level of attention they should.

In addition to our expanding role in the technical/political arenas our user base is growing. One fisheries enforcement officer can no longer patrol our usual and accustomed fishing areas adequately and we cannot enforce tribal hunting and shellfish harvest regulations.

The Stillaguamish Tribe and the natural resources we have a right to harvest and are bound to protect deserve better. Our staff needs have grown and we must provide staff with salaries on a par with other agencies in order to attract and retain competent professionals. Yet without annual cost of living adjustments to base funding, efforts to adjust staff salaries for inflation heavily impact the ability to perform essential program services. Furthermore, insurance, travel, training and vehicle costs continue to increase as well.

If budget cuts are necessary, trim the fat from bloated federal bureaucracies. We have seen the Bureau of Indian Affairs in action, have felt the negative impact of their efforts to "help" us, and are not content to "be happy with what we receive".

Last year we requested an increase in base funding of $100,000 to cover an additional 5 Full Time Equivalents (FTE's) and other increasing program costs. The final budgeted increase was $50,000 which, with proposed Graham-Rudman budget cuts resulted in a net budget increase of about $33,000. Enough for about 1.5 FTE's.

This year the Stillaguamish Tribe requests a permanent increase in base funding so that we can increase staff by 5 FTE's over FY89 levels and cover other escalating program costs such as vehicle, insurance, travel/per diem, and training. Three FTE's would work in hatchery operations. Of these, two would cover the daily operations such as feeding and routine maintenance, the other would be available during seasonal peak periods. These additional people would free up our current technicians to provide daily supervision of our two hatchery facilities. This would allow our enhancement biologist to concentrate on the biological aspects of fisheries enhancement. The fourth FTE would be assigned to the Rights Protection/Implementation portion of our contract and would assist the professional staff in field work. The other FTE would work in fisheries/hunting enforcement.

In addition, our fisheries office, a single wide trailer, is becoming dilepidated. The water, sewer, and electrical systems are either nonfunctional, or not adequate for the demand, and the floor is rotten in several areas. We request a one time allotment of funds for site development and construction of an office for our Fisheries Department.

The Stillaguamish Tribe is committed to managing its natural resources for the benefit of Indians and non-Indians. Given proper funding we can continue to make a significant contribution far into the future while proving that Indians and non-Indians can cooperate for the benefit of all.

STILLAGUAMISH TRIBE OF INDIANS
FISHERIES SERVICES
PROPOSED OPERATING BUDGET

BUDGET LINE	FY 90 BUDGET	FY 91 PROPOSED	CURRENT UNMET NEED
SALARIES/WAGES	151,547	225,000	73,453
BENEFITS	33,340	56,250	22,910
TRAVEL/PER DIEM	8,182	9,000	818
TELEPHONE	2,250	3,400	1,150
UTILITIES	4,324	5,000	676
EQUIPMENT RENTAL	2,135	2,200	65
SUPPLIES	13,224	14,100	876
INSURANCE	3,907	8,000	4,093
VEHICLE LEASE	14,051	24,350	10,299
CONTRACT SERVICES	4,864	5,000	136
PROPERTY LEASE	650	650	0
LICENSE FEES/PERMITS	191	200	9
EQUIPMENT MAINT.	4,840	5,000	160
TRAINING	7,995	10,000	2,005
CAPITAL EQUIPMENT	0	0	0
TOTAL PROGRAM	251,500	368,150	116,650

(One Time) Capital Improvement Request for Fisheries Department Office Building:

Site Development and Construction: $100,000

OTHER TRIBAL NEEDS

In addition to Fisheries, other services which can be provided to the members of the Stillaguamish Tribe and other Native Americans living in our service area are also very important to us. The budget following the detailed Fisheries Services budget depicts our requested budget for FY91 for all programs which the Tribe operates; it is compared with figures for the current fiscal year (FY90), as nearly as those figures can be estimated.

We realize that the requested amounts represent a large increase over what we are currently funded for from the BIA and other federal agencies. Nevertheless, if the Tribe is ever to operate social services at such a level that all the Tribal members and other Native Americans in the area receive the quality of services to which they are entitled, we feel that our programs will need to be funded at the amounts requested. We respectfully ask the committee to carefully consider the entire budget request and fully fund our Tribal programs.

STILLAGUAMISH TRIBE OF INDIANS FY 91 BUDGET REQUEST

FEDERAL FUNDING SOURCE	TRIBALLY DETERMINED BASE FUNDING NEED	BASE FUNDING: CURRENT FEDERAL ALLOCATIONS	CONTRACT SUPPORT FUNDS	UNMET FUNDING NEED
BUREAU OF INDIANS AFFAIRS				
FISHERIES	$368,150	$251,497	$104,572	$116,653
INDIAN CHILD WELFARE	300,000	62,085	12,915	237,915
CHINOOK STUDY	39,026	26,231	11,816	12,795
TRIBAL OPERATIONS	40,000	0	0	40,000
PROGRAM DEVELOPMENT	20,000	0	0	20,000
ADULT EDUCATION	20,000	9,109	0	10,891
AID TO TRIBAL GOV'T.	40,000	14,600	6,190	25,400
CYCLICAL MAINTENANCE	20,000	10,114	0	9,886
SUBTOTAL	847,176	373,636	135,493	473,540
DEPARTMENT OF HHS				
INDIAN HEALTH SRVC.	224,000	112,000	105,152	112,000
ADM.-NATIVE AMERICANS	50,000	0	0	50,000
SUBTOTAL	274,000	112,000	105,152	162,000
DEPARTMENT OF LABOR				
WESTERN WASHINGTON				
INDIAN ED. TRNG. PROG.	60,000	22,000	15,000	38,000
DEPARTMENT OF EDUCATION				
LIBRARY	10,000	3,300	0	6,700
TOTAL	$1,191,176	$510,936	$255,645	$680,240

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

JULIE JOHNSON, DIRECTOR OF PLANNING, LOWER ELWHA KLALLAM TRIBE

RALPH KOPANSKY, PLANNER

Mr. DICKS. The Lower Elwha tribe, Gerald Charles, Sr., chairman?

We're going to start here and then I may have to run out of here and then we'll come back. We'll have you finish at that point.

Ms. JOHNSON. All right.

Jerry Charles, our chairman, could not be here today due to a death on the reservation, but my name is Julie Johnson. I'm the director of the planning department. On my right is Ralph Kopansky, who's a planner.

We're going to be talking about three issues today: our dam removal project study, law enforcement services, and social services.

We'll start off with Ralph talking about the dam removal project.

Mr. DICKS. Okay, I think we're going to hold this right at this point and then I'll come back.

[Brief recess taken.]

Mr. DICKS. Back to the Elwha. So what are we going to do about the Elwha?

Ms. JOHNSON. Well, we're doing some studies for dam removal. I'm going to have Ralph Kopansky finish up on these statements, a minute and a half. [Laughter.]

Mr. DICKS. All right, we'll monitor him very carefully.

Mr. KOPANSKY. Very briefly, I think we're satisfying the intent of Congress last year in assisting us in participating in the Federal Energy Regulatory Commission process on licensing of the dams. We've initiated studies and are initiating contracts for studies for all of the technical areas. We will be supplying not only to the Federal Energy Regulatory Commission, but also to the congressional delegation and other agencies the outcome of those studies. We have identified people who are the most qualified in terms of recommendations technically in all areas.

We've discovered, obviously, that we need to continue to be able to participate in year two and to be able—the needs, the study needs are much more extensive I think than anybody knew. There's no road map that's been prepared by FERC or anyone else to guide agencies or entities that are impacted by that process. So, we're, in a sense, pioneering those things.

But, we are, indeed, concerned about accountability and will be supplying documentation. We need to be able to have the opportunity to continue to participate in that process.

Mr. DICKS. Good.

Ms. JOHNSON. Thank you, Ralph.

We have some regional concerns and some national concerns which are written and part of our testimony.

Mr. DICKS. Right.

Ms. JOHNSON. I do want to add that we are concerned about the IHS budget and the contract health care. Right now our people can only receive professional medical attention at the non-Indian clinics or doctors. They're losing their life or losing a limb.

The second area that——

Mr. DICKS. Why is that?

Ms. JOHNSON. Well, because—I'm the vice chairman of the Northwest Portland Area Health Board. Out of the hospital and clinic budget line item, there isn't enough money allocated to each region for contract health care. Now the Portland area is the only area that does not have an Indian Health Service hospital. So we have to refer our people to professional doctors off the reservation.

We only have 14 clinics that serve 39 tribes. So, what happens is our clinics—I just can't refer them off the reservation to a non-Indian, non-IHS doctor, and they just don't have enough money.

Mr. DICKS. So we have to do something about that.

Ms. JOHNSON. And we need to do something about that.

Mr. DICKS. Our region is being discriminated against——

Ms. JOHNSON. Absolutely.

Mr. DICKS [continuing]. Because we don't have the hospitals.

Ms. JOHNSON. Absolutely. We're also being discriminated against regarding the fiscal intermediary bill collection payment. On every single one of our reservations—there's 39 tribes—we have our IHS bills going to bill collection agencies. We've embarrassed our elders. We've worked hard to get our people to the doctor, the non-Indian doctors, and now we get them there and then IHS does not pay their bill.

We met the delegation from the Northwest tribes last week. We need money for contract health care and we need to do something about that FI system, bill collection system; it's horrible.

Our second priority is law enforcement. Right now we only have two police officers. We have two beat-up police cars. We need 24-hour service seven days a week. We have a service population of 1,100. We need to be able to pay our police officers.

The third issue is social services. We do not have any money for social services. We do not have any money for social services. We had some Indian child welfare money. It's competitive money. This money shouldn't be competitive at the area level or the national level. There should be a base amount of dollars for every single tribe.

We can't start working with an Indian child welfare child abuse case and then drop it because we don't have any money or turn our heads because we don't have money to deal with the issues at the local level.

That's it.

Mr. DICKS. All right, Julie. Thank you very much. We appreciate your testimony, and we look forward to working with you on these issues.

[The prepared statement of Ms. Johnson follows:]

LOWER ELWHA TRIBAL COUNCIL

1666 LOWER ELWHA ROAD
PORT ANGELES, WA 98362
(206) 452-8471
FAX (206) 452-4848

Testimony of
Ms. Julie Johnson, Director of Planning
Lower Elwha Klallam Tribe
Before the
House Interior and Related Agencies Appropriations
Subcommittee Hearing
on the
Fiscal Year 1991 Appropriations for the BIA & IHS
March 14, 1990

Lower Elwha Tribal Appropriations Requests: Tribal Level

1. Increase of $100,000 to BIA Natural Resources development water resource to support the Elwha River Restoration Project to support Tribe's participation in the Federal Energy Regulatory Commission relicensing proceedings of the Elwha Project (FERC No. 588) and Elwha Project (FERC No. 2683).

2. Increase of $200,000 for Lower Elwha to enforcement projects BIA Tribal Services Tribal Agency base to enable Tribe to grow to minimum level of work load.

3. Increase of $150,000 added to BIA Tribal Services Tribe Agency base to enable Tribe to establish a model comprehensive social and health services program.

Lower Elwha Tribal Appropriations Requests/Recommendations: Regional Level

* Restore $2 million for Timber-Fish-Wildlife program and increase by $1 million for FY91 agreed to BIA, USFWS and Tribal Timber Fish Wildlife Agreement.

* Increase Tribal and Indian Self-Determination Program personnel by $500,000 to provide $1,000 to annually train new management personnel in the Tribal and Indian Self-Determination Program.

* Support Tribal Courts Training Program at $1.5 million.

* To enable IHS Portland Area Office to provide contract health services to members of each Tribe receiving federal treatment.

Lower Elwha Tribal Appropriation Requests and Recommendations:
National Level

* Increase of $4.5 million over FY90 amount for contract support costs to cover all Tribal contract proposals for FY91 and to fully fund all contracts for Tribal Courts Training Organizations and all 638 Tribal and Indian Self-Determination Program 93 Native American governments.

* Increase $19 million Natural Resources development program to meet the needs of water resource needs.

* Restore the $1.5 million reduction for BIA Law Enforcement.

- Restore the $1.36 million reduction for BIA Scholarships to FY90 level.
- Restore the $1.3 million reduction for BIA Welfare Assistance and increase to address unmet needs in the Pacific Northwest.
- Restore the $4 million reduction for BIA Tribal Services Tribe/Agency Aid to Tribal Government.
- Restore the $1.6 million reduction for BIA Fish Hatchery Rehabilitation and increase to $2 million in FY91 added to BIA Construction base.
- Increase BIA Indian Child Welfare Grant Program to address nationwide unmet needs.

I am Julie Johnson, Director of Planning for the Lower Elwha Klallam Tribe. I certainly appreciate the opportunity to present the requests and recommendations of our Tribe on the Fiscal Year 1991 budgets of the Bureau of Indian Affairs and Indian Health Service.

Summary of Tribal FY91 Needs

The Lower Elwha Klallam Tribe, located on a 788 acre reservation on the Northwestern corner of the Olympic Peninsula in Western Washington State, is confronted with serious problems associated with protection of its treaty rights, especially as they relate to protection of natural resources. The multi-year Federal Energy Regulatory Commission licensing proceedings for the Glines Canyon and Elwha Dams will have a significant impact on the future of the Tribe as we struggle towards economic self-sufficiency with the fate of a once highly productive fishery on the Elwha River at stake in the final FERC determinations.

Current inadequate funding levels for law enforcement and social services prevents the tribe from providing a minimum level of service. In BIA Tribe/Agency law enforcement, agency imposed limitations prohibit offering competitive salaries or police force expansion. Game management and hunting code enforcement issues further stress the Tribe's ability to protect treaty rights and manage its resources due to funding levels. Finally, current Federal social service resource funding levels and allocation methods have contributed to an inadequate, fragmented patchwork of services. At a time when Federal and other budgetary constraints threaten even "critical" services, the Tribe has neither the funding nor management infrastructure to insure service delivery.

Elwha River Restoration Project
FY91 Request: $300,000

We express our deep appreciation to this Committee and the Congress in supporting our request, in FY90, for funds to enable the Tribe to participate in the Federal Energy Regulatory Commission licensing proceedings for Glines Canyon Project (FERC No. 588) and Elwha Project (FERC No. 2683). In that appropriation, we identified three areas of activity: technical studies, legal services, and project coordination. We justified that any decision on the fate of the two projects will, as they have had since 1912, a deleterious impact on the economic and social self-sufficiency of the Tribe. We stressed the fact that major scientific issues exist regarding any FERC decision and

that, because of our treaty rights and co-management responsibilities on fishery resources of the river, we wanted the opportunity to have the technical, legal and administrative expertise in order to evaluate and comment on these issues. With the FY90 appropriation, we have initiated substantive involvement in the FERC decision-making process.

The FY91 request will insure that the Tribe can continue to participate fully in all aspects of the licensing proceedings, which includes compliance with NEPA regulations, development of technical assessments relative to dams safety, and related activities of vital concern to the tribes. We have identified our funding needs for FY91 at $300,000 delineated in three categories: scientific studies, legal and project coordination. The FY91 request does not duplicate, but is separate and distinct from current FY90 activities, while insuring continuity. An historical description of the issues, explanation of the complex process, and budget narrative justification are available.

Lower Elwha Law Enforcement Increase $200,000 Added to BIA Tribal Services Tribe/Agency Base

This BIA Law Enforcement Appropriation increase would provide full 24 hours, seven days a week services for a Tribal service population of 1100 including the addition of police officers, improving dispatch services, equipment up-grade, training, and an increase on contract detention services. The current funding base precludes the Tribe from offering a minimum competitive salary to new officers as well as adding one additional officer in order to provide an acceptable level of services. The BIA reporting system, which is used to justify funding levels, does not reflect the actual range of duties and responsibilities including enforcement and public safety, emergency and disaster response and resource and environmental protection activities which must, by necessity, be performed on a daily basis. The Tribe is requesting an increase of $200,000 to the base. This will allow us to offer law enforcement at a minimum service level. A detailed budget narrative justification is available.

Lower Elwha Klallam Comprehensive Social Services Increase of $150,000 Added to BIA/Tribal Services Tribe/Agency Base

Current Federal support for social services and method for distribution of funds has contributed to an inadequate, fragmented patchwork of services. The problem is most dramatically represented in describing efforts to respond to Indian child welfare cases. Tribe must compete annually for ICWA grants and only a limited number of tribes will receive funds. A child in need, however, does not become "un-needy' because the service provider tribe did not receive funding. Social services crisis management, reduction of services-losing children along the way, is unacceptable. The death of a child because social services were not available is a stark measurement, but every day, a reality in Indian country because of inadequate and poorly conceived funding methods. Alcohol and drug abuse, the Native American's number one health threat, is another victim of the current social service funding system. The "billions" proclaimed for fighting these abuses, for our tribe, were realized with an award of $3,000 last year. We have a total of $12,000 to deal with a problem that impacts 100 percent of our Tribe. Our hands are tied. Lives are lost, our families are destroyed.

We have requested $150,000 for FY91 to provide Congress with a method for comprehensively addressing the spectrum of Tribal social service demands. This core funding concept will allow us to efficiently consolidate programs and deliver at least minimum level services with a team approach strategy. And, we believe positive results can be documented. Currently, the BIA Social Service budget is bloated at the bureaucracy paperwork levels and starving at the direct service to need level. This absurd reality must be dramatically changed and the Lower Elwha Klallam Tribe is committed to showing Congress how it can be accomplished. A more detailed explanation for our proposed model approach is available.

Tribally Managed Programs Should Be The Priority Congressional Consideration in Appropriations Allocations

We have highlighted our recommendations on the regional/national BIA & IHS budgets due to space limitations. The Lower Elwha Klallam Tribe is small and struggling to meet pressing development demands and address unmet social, health, and essential government services needs. The BIA and IHS FY91 Budget Justifications continue to promote the bureaucratic theme that extensive Federal administration is required for Indian people to provide a minimum of services. We are the statistics of poverty, poor health, low educational achievements, dysfunctional families, and substance abuse that justify their existence; yet, Tribes and the direct delivery of services receives what's left after the necessary salary increases and Federal benefits are addressed. The system is topsy-turvey and requires some dramatic Congressional adjustments to conform Congressional intent with reality.

I appreciate your consideration of our requests and views on the Fiscal Year 1991 BIA and IHS budgets.

Thank you.

testimon.362
3/13/90

WEDNESDAY, MARCH 14, 1989.

BUREAU OF INDIAN AFFAIRS

WITNESSES

TWILA MARTIN-KEKAHBAH, CHAIRPERSON, TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

MISTI LaFOUNTAINE, EIGHTH GRADE STUDENT, OJIBWA INDIAN SCHOOL

Mr. DICKS. The Turtle Mountain Band of Chippewa Indians, Twila Martin-Kekahbah, chairperson.

We're glad to have you. We're sorry you were late. You have five minutes to summarize your statement, and we'll put the complete statement in the record.

Ms. MARTIN-KEKAHBAH. Thank you. My name is Twila Martin-Kekahbah, tribal chairperson of the Turtle Mountain Band of Chippewa Indians.

Thank you for the opportunity to present testimony for our tribe on three Indian priority system programs: law enforcement, tribal court, and education.

Due to the underfunding and additional cuts in the Indian priority system, our law enforcement, tribal court, and educational systems are experiencing severe shortages in personnel and equipment. Consequently, we are not able to provide the basic needs of protection and safety, due process, and educational opportunities to our tribal members. Due to time limitations, I am not going to provide all our statistical data to support our request for additional funding. That data is available in the written testimony I've submitted. However, I would like to present you with a few real examples of the problems we face.

Calls come into the police department constantly. Some calls for heip are more life-threatening than others. On weekends complaints soar to approximately 35 per hour. Due to a lack of funds, there is only one officer, one vehicle, and no jailer to operate the radio during an eight-hour shift. Incidents such as the following have occurred:

The armed duty police officer was called out to investigate an accident. Only a female clerk remained to operate the radio and tend the jail, at which time we had an attempted suicide. The clerk could not enter the cell to stop the attempt because of the danger of a hardened criminal sharing the same cell.

Sexual abuse of children is widespread. Yet, we cannot fully investigate the many complaints much less prosecute. Our law enforcement units, as well as tribal court, are not adequately staffed to handle the number of cases that are reported. Last year there was an average of one report per day. Of the more than 300 complaints, criminal investigators were only able to fully investigate about 25 percent of them.

Investigating sexual abuse of children and follow-through of prosecution is critical. We have one case that is now four years old and remains uninvestigated, resulting in the abuser remaining unpunished and, most importantly, leaving the child cruelly violated and nonprotected.

We had a particular case where a child's genital area was burned with cigarettes. Another incident involved a 16-year-old boy who was physically abused by his father. The boy requested to be removed from the home and he was labeled a problem child and put on probation. He committed suicide in two months.

Our children are suffering, many silently, because there is no place they can run and cry for help and receive justice, all due to a lack of funds for proper and adequate personnel.

All of these examples are results of inadequate police force, inadequate number of criminal investigators, and an understaffed trial court system. These combined factors ultimately result in a lack of respect for law and order.

Regarding education, Mr. Chairman, I would like to introduce Misti LaFountaine to summarize her essay, "To Be or Not To Be."

Misti?

Ms. LAFOUNTAINE. To be or not to be? My name is Misti LaFountaine, a student in the eighth grade class at Ojibwa Indian School. Right now I would very much like to be a medical doctor or an architect. I know with the funding we have it will be hard, but I have high expectations and I intend to make it.

We studied the Indian priority system and listened to the chairperson of the reservation as she spoke to us about what is happening right now regarding funding. I would like to think that the eighth grade class of 1990 does not have to worry about their future, but I know that many of us will not be able to attend college or get through it because of the inadequate funding.

Treaties that were signed by the United States and the Native Americans stated that Native Americans would get a beneficial education. However, it is going to be difficult to get an education if we do not have the financial ability to do so.

In January of this year, President Bush said that by the year 2000 our country will be literate, and that everyone who is literate will have a job. And we are to reach this goal with no additional funding? This is impossible because, as it is right now, we are not getting an adequate amount of funding.

I know that my peers and I would be able to achieve more than we could ever imagine, but we can only do this with the proper funding to help us make it through college.

Mr. DICKS. Good. That's an excellent statement, and I agree with it completely. We need to do more about education for all our children.

Ms. MARTIN-KEKAHBAH. Mr. Chairman, to summarize, 75 percent of our students wanting to attend college are not being served. The cost of a college education in North Dakota has doubled in the last six years. However, the amount of dollars we have for scholarships has decreased by $60,000. The average dollars available for our students is $900 per student. We need more than $3,000 per student. We have zero dollars for graduate students and part-time students.

The Turtle Mountain Reservation, with its small land base and high unemployment and high population, relies heavily on educational scholarships. It is our belief—and rightly so—that education is but one of our treaty rights.

If you or anyone else would like to ask Misti or me questions, we would be happy to answer them.

Mr. DICKS. No, I think that's an excellent statement. You've covered it very well. This is a serious problem and we'll see what we can do to be of help.

Ms. LAFOUNTAINE. Mr. Chairperson, we've got a videotape of—we put a show on and it's on the Indian priority system.

Mr. DICKS. Good. Thank you. We'll take a look at it.

Ms. MARTIN-KEKAHBAH. We called you "Mr. Chairperson," so that should help. [Laughter.]

[The prepared statement of Ms. Martin-Kekahbah follows:]

TURTLE MOUNTAIN
BAND OF CHIPPEWA INDIANS
TURTLE MOUNTAIN TRIBAL OFFICE
P.O. BOX 900
BELCOURT, NORTH DAKOTA 58316 (701) 477-6451

TESTIMONY OF TWILA MARTIN-KEKAHBAH, CHAIRPERSON, TURTLE MOUNTAIN BAND OF CHIPPEWA, PREPARED FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR & RELATED AGENCIES. MARCH 14, 1990

My name is Twila Martin-Kekahbah, Tribal Chairperson of the Turtle Mountain Band of Chippewa Indians. Thank you for the opportunity to present testimony for our Tribe on three Indian Priority System (IPS) programs: Law Enforcement, Tribal court and Education.

Due to the underfunding and additional cuts in the Indian Priority Systems, our Law Enforcement, Tribal Court and Education systems are experiencing severe shortages in personnel and equipment. Consequently, we are not able to provide for the basic needs of protection and safety, due process and educational opportunities of our tribal members.

LAW ENFORCEMENT

The Law Enforcement Agency is underfunded and understaffed. As our population continues to grow larger, our budget continues to shrink. Presently, there are 8 police officers, one criminal investigator, and one supervisor with a current budget of only $650,000 while we are experiencing a 40% increase in our incident rate. During the week, in an average 24-hour period, the police respond to approximately 35 complaints. On weekends complaints soar to approximately 35 per hour. Obviously, eight police officers can no longer provide adequate coverage to the Turtle Mountain Reservation.

Population density, unemployment and crime. Our reservation is the most densely populated in the United States. Our population is 15,000 members on and adjacent to our small reservation (6 x 12 miles) 42% of our population 16 years and under and a median age of 19.5 years old. There are 12 densely populated housing sites throughout the reservation. Our unemployment rate averages 40% during summer and soars to 65% during winter months. Our alcoholism rate has climbed dramatically because of this high unemployment. The increased alcoholism directly impacts and increases our crime rate. Our extraordinarily high crime incident rate is equal to North Dakota's major cities - Grand Forks, Fargo, Bismarck and Minot. There is a marked increase in both misdemeanors, and more importantly, major serious crimes. For 1989, there were 6,592 requests for police assistance.

EXAMPLES

For safety precautions, two officers work in one patrol unit, primarily on busy weekends. Often times when this is done, there is only one patrol unit on duty which is grossly inadequate to answer all complaints.

Incidents such as the following have occurred:

> The on-duty police officer was called out on an accident. Only a female clerk remained to operate the radio and tend the jail, when one of the trustees came running from the cell block area and yelled that a prisoner had hung himself. Upon investigating, the clerk found the prisoner hanging from a shower curtain rod with a bed sheet; he appeared unconscious. There were other prisoners in the same cell block with the victim, who were not giving any assistance to the victim despite the clerk's pleas. Instead, they laughed and jeered. These prisoners were considered hardened criminals and therefore, the clerk did not feel save in opening the cell door without other help present.
>
> The clerk's call for help from the on-duty police officer could not be heard as he was tending to the accident he had been called to. The clerk then summoned the Indian Health Service ambulance crew. By the time the EMT's arrived, the prisoner was convulsing. Although the victim was resuscitated and brought back to consciousness, the whole incident could have been catastrophic.

Calls come into the police department constantly. Many times these calls are within minutes of each other, thereby, requiring a single police officer to be two or three places at one time. The calls vary in urgency and type: domestic disputes, public disturbances, lost children, abandoned children, drunken drivers. The list is endless. Some calls for help are more life-threatening than others. However, each individual's cry for assistance is important and when their calls are not promptly responded to, they begin to lose confidence as well as respect for law and order. They then take on the attitude that "police officers are never there when you need them".

Sexual abuse of children is a wide spread, serious problem. Our law enforcement units as well as tribal court are not adequately staffed to handle the number of cases that are reported. Last year there was an average of one report per day. Of the 300+ complaints, criminal investigators were only able to fully investigate about 25% of the cases. Investigating sexual abuse of children is time consuming; prosecuting the case requires even more time. We are in dire need of at least two additional criminal investigators a well as support staff. Meanwhile, children are suffering at the hands of their abusers.

Recent incidents include:

> One case is now 4 years old and still remains uninvestigated resulting in the abuser remaining unpunished, and most importantly, leaving the child cruelly violated and unprotected.

Another case goes beyond human endurance. The child's genital area was burned with cigarettes. Still another incident involves a sixteen year old boy, who was physically abused by his father. The boy requested to be removed from the home. Upon investigating by Social Services, the boy's mother took his father's side and denied the boy was abused. The problem was then set upon the boy's shoulders, he was labeled a "problem" child and put on probation. Two months later the boy committed suicide. A later investigation into the matter resulted in the findings that indeed, the boy was physically abused as were his mother and siblings.

Four years ago, Paul Harvey said if you wanted to get away with murder, "go to an Indian reservation". As with sexual/child abuse, there are murders committed and undetermined deaths with investigations pending. We are faced with the cold hard reality that we indeed have unidentified murderers running free. There may be people with knowledge of who they are but do not come forward out of fear for their own safety and protection.

xxxx

All of the aforementioned are results of an inadequate police force, inadequate number of criminal investigators and an under staffed tribal court system. These combined factors ultimately result in a lack of respect for law and order. Additional personnel are needed to adequately protect and serve our community. We also need additional equipment. We do not have sufficient funds to maintain the BIA motor vehicles, purchase radios for the cars, replace worn out and obsolete equipment, maintain ammunition supplies, and purchase complete uniform packages for the personnel.

We are requesting a line item add on of **$460,000** to our base allocation for our Law Enforcement Agency. See attached budget.

COURTS

Last year, the Tribal Court case load was 5,040 and it is anticipated that the case load will increase by approximately 10% this next year. Major factors contributing to this increase are: a growing population, high unemployment, and a rising crime rate. To respond to this demand the Turtle Mountain Tribal Court System has only 7 full time employees, with a current budget of $145,000. Our Tribal Court System is unable to handle the present case load due to underfunding and understaffing. Last year, 1/3 of the Court cases were unable to be processed and are still pending.

Due to our high population of minors, a rising number of court cases are juvenile related. Inadequate funds prevent us from providing a juvenile judge, juvenile probation officers and guardian ad litems to represent the best interest of our minors.

In order for the Tribal Court System to be in compliance with the Indian Civil Rights Act, a public defender is needed for indigent Indian people. This Act also mandates Tribal Courts to have stringent record keeping and monitoring. However, funds are not provided to the Tribal Court to comply.

EXAMPLES

> When asked if they understand their rights when read to them, many uneducated people respond affirmative even though they truly do not understand. Consequently, many simply plead guilty to charges that they may not even be guilty of.

The Public Defender would protect such uneducated people.

Presently, the court does not have a process server. The under-staffed police force serves papers on a part-time basis, when time permits. Witnesses and individuals being charged are not being served on a timely schedule to allow proper notification of an appointed court date. The cases are scheduled and rescheduled several times. Finally, the individuals involved simply give up on the system and subsequently, take law into their own hands.

> One criminal case in particular, was rescheduled three times. Losing his patience, respect and faith in the court system, a man and his family picked up home-made clubs and chains and took the law into their own hands. We now have additional charges in court.

The Juvenile Section is of great concern and importance. We do not have a guardian ad litems to represent the children's best interest.

> Recently, we had an eight month old infant who starved to death because of parental neglect. The Social Service Department had repeatedly worked with the family in the areas of alcohol treatment and parenting skills. The family treatment plan was not completed and the neglect cycle continued.

Probation and parole officers are needed to supervise and monitor individuals on probation.

> In December, four individuals were convicted of sexual offenses, two of the four placed on probation did not enter treatment. They are now free to roam with the probability of harming more victims.

XXXX

Therefore, we are requesting a line item add-on of $340,000 to our base allocation for our Tribal Court System. See attached budget.

EDUCATION

There are three areas in education which are in critical need of additional funding above and beyond the 1991 BIA Budget base. These are:

> Higher Education Scholarship Program
> Adult Vocational Training Program and Direct Employment
> Adult Education Development

Only 10% of the 16 years and older population have a college degree, while 20% of the population have a technical or vocational school certification. Those who dropped out or failed to complete any school, vocational school or college, do so for a variety of reasons such as: money shortages, work demands, care of family members and pregnancy.

The Turtle Mountain Chippewa people have a long way to go to reach President Bush's education goals of a high school graduation rate of 90% and developing a skilled and literate worker.

HIGHER EDUCATION SCHOLARSHIP PROGRAM

In order for the Tribe to meet their number one goal, which is economic development, the Tribe needs its members educated in business, finance, engineering, sciences, and medicine. The Indian students need the higher education scholarship program to maintain economic development efforts on the reservation. An education is an economic necessity to both the students and the Tribe. Indian people have been denied access to equity in educational opportunities through neglect. With the extremely high unemployment level, there is a feeling of helplessness resulting in poverty. Education is the first step for our Tribal members to break out of the vicious cycle of chronic poverty, which has existed since our reservation was established by the federal government more than 100 years ago.

Twenty years ago we had approximately 100 students wanting to attend college annually; today we have more than 900 requests annually. During the last six years the cost of a college education for our students has doubled, yet the amount in our scholarship fund has dropped by $60,500. The average grant of the students who are fortunate enough to receive a BIA scholarship has remained the same for the past 20 years. Our grants now provide less than 13% of the total annual cost of education. The average cost for attending college for a single student in North Dakota will be $7,000 in 1990-91. Based on our current experience, this cost will be met according to the following financial aid package for an average Turtle Mountain Chippewa Student:

Source	Amount
PELL	$2,100
SEOG	102
COLLEGE WORK STUDY	88
BIA	900
	$3,190
LOANS	3,810*
TOTAL COST	$7,000

*This is an average loan forced on our single students each year. Married students would have to borrow twice the amount.

Many of our college students are first generation. Therefore, their families lack the necessary support systems at home to assist financially. Future college students (8th grade through 12) realizing the situation we are facing, are now taking on a negative view and losing hope of attending college.

EXAMPLE

Sharon is a "typical" student at Turtle Mountain Community College. She is a 30 year old, mother of two and lives with her children in a crime-ridden housing project. Sharon's parents are poor and in ill health and unable to assist with either financial assistance or child care. Sharon passed her GED and entered Turtle Mountain Community College. Upon receipt of an under-funded college aid package (80% of TMCC's students), Sharon is faced with a decision of continuing with school or provide immediate needs for her children. Sharon and others in her predicament opt for dropping out of college and remaining on welfare.

XXXX

Currently, we can fund only 25% of those students qualifying and desiring loans for undergraduate education. We have no funds whatsoever available for graduate or part-time students. To meet our pressing unmet educational needs, we are requesting an add on of **$1,000,000** to our base allocation for our higher education scholarship program.

ADULT VOCATIONAL TRAINING AND DIRECT EMPLOYMENT

The Employment Assistance Program (Adult Vocational Training and Direct Employment) has been a scapegoat for many administrations and the program is now being decimated by the IPS. The Adult Vocational training program was criticized some years ago for having too many mechanics, auto body repairmen, and welders on the reservations. However, in the case of our reservation, our major industry, the Turtle Mountain Manufacturing Company, all of these skills are needed. The program has been and will continue to be viable in supporting the Tribe's economic development. The Tribe as well as the State predicts a high growth and switch to service type employment jobs which are usually vocational in nature. Additional funds will allow the Community College to respond to rapidly changing training needs to fit jobs that develop through the Tribe's economic development efforts, such as Uniband and the Garment Manufacturing Co.

Turtle Mountain Community College receives $25,000 "638" money per year from the BIA Employment Assistance Program. This money is used solely for vocational teachers salaries. TMCC does not receive other state funds, nor the Carl Perkins Act via the 1% Indian set aside program. They have canceled two vocational programs: machining and carpentry, resulting in the lay-off of 2 vocational instructors. TMCC, therefore requests additional funds for salaries.

Each year the Adult Vocational Training Program provides training for 100 or more new individuals. This is in addition to 20 to 40 carry-over students. Training tuition costs far exceeded the maximum Pell Grant given to students. The allocated program amount has not taken into consideration the rising cost of living. Thus, students have inadequate means to continue their education training.

Therefore, we are requesting an add-on of **$155,000** for Adult Vocational Training.

ADULT EDUCATION DEVELOPMENT

This program provides precollege preparation, GED High School equivalency, pre-GED, and literacy education characteristics of adult education are that 52% do not have a high school diploma, approximately six out of ten high school students entering the local high schools as freshman do not complete high school, and eighty percent (80%) of the participants who are served each year are below the eighth grade level in reading, math, and language skills. We need to hire professionals who are trained and qualified to work with the illiterate and disabled adults. We need to provide a homebound program of instruction for those adults who are unable to attend regular class sites. More staff is needed to accommodate these adults. This program currently receives only $40,000 from the IPS.

We are requesting a line item add on of **$180,000** to adequately meet the needs of approximately 200 more Indian Adults.

ENROLLMENT

In 1940, Congress mandated, by Statute, that the Bureau of Indian Affairs maintain the Turtle Mountain Chippewa membership roll. The funds for the maintenance of this roll are now categorized in the Tribe's Indian Priority System. The funds available for the Tribe to support the Bureau's responsibility are insufficient to do an adequate job. We are requesting that Congress direct the Bureau of Indian Affairs to remove enrollment from the Indian Priority System and fund it from the Bureau appropriated funds at a level adequate to meet the intent of Congress.

CONCLUSION

Presently, our programs are operating at their basic level and not accommodating the increased population growth and the proportional influx of requests for assistance. The Turtle Mountain Tribe is requesting an add-on of **$2,135,000** to our base allocation for fiscal year 1990. The Tribe needs this add-on to survive and maintain our essential programs.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

JOE FLETT, CHAIRMAN, UPPER COLUMBIA UNITED TRIBES: COEUR D'ALENE TRIBE OF IDAHO, KALISPEL TRIBE OF WASHINGTON, KOOTENAI TRIBE OF IDAHO, AND SPOKANE TRIBE OF WASHINGTON

BRUCE WYNNE, VICE PRESIDENT, INLAND TRIBAL CONSORTIUM

Mr. DICKS. Okay. The Spokane Tribe and Upper Columbia United Tribes, and Inland Tribal Consortium, Joe Flett, chairman, and Bruce Wynne?

Welcome.

Mr. FLETT. Thank you, Mr. Chairman.

My name is Joe Flett. I'm the chairman of the Spokane tribe, Spokane tribal council, and also chairman of the Upper Columbia United Tribes organization. The Upper Columbia United Tribes is an organization consisting of the Spokane, Coeur D'Alene, Kalispel, and Kootenai tribes.

We're here today to request funding for the UCUT organization in the amount $309,976. This is to continue the UCUT organization which deals mainly with the fisheries on the Upper Columbia above the Grand Coulee Dam. We ask that the dollars be provided to allow the tribes to continue our involvement not only within the tribal organizations, but with Bonneville Power Administration and the local communities surrounding us.

I think the tribes have come a long way in the past few years. In 1989, we were appropriated $300,000 for the UCUT fisheries center. At that time and for two years preceding, the UCUT tribes requested that a continued line item within the Department of the Interior BIA's budget be in the budget, similar to other organizations within the Northwest, such as the Northwest Indian Fisheries and the Columbia River Intertribal Fisheries.

We feel that year after year we've come to these hearings and requested funding, and year after year there's language that is included that states that we should look to alternative sources for funding. We have done that, and to no success. We've contacted Bonneville; we've contacted the local Bureau offices and the Portland area office. We continue to ask for the funding and that it be placed as a line item, so we don't have to go through this year after year.

One of the good things that UCUT and the dollars have done for the Spokane tribe is that it has generated interest among our young people to get into the fisheries biology field. We just recently graduated in 1989 our first fisheries biologist Spokane tribal member, and we have identified this young man to be our hatchery director.

Mr. DICKS. That's good.

Mr. FLETT. And another thing that we've been involved in, is negotiations with Bonneville for a hatchery located on the Spokane reservation, the Kootenai fishery hatchery. We have—I think there are eight students now enrolled in the biology department at Eastern Washington University.

—So, this has sparked interest that we so much needed in our young folks to get that education and to come to work for the Spokane tribe. It has also done similar things to the other three tribes.

Mr. DICKS. Good.

Mr. FLETT. In summation, the proposal that we have put together highlights a lot of the work that we've done to the fisheries center. It addresses the hatchery, the surveys that we've done on Lake Roosevelt, which incidentally we, as the Spokane tribe or the UCUT organization, are looked at by other communities as providing necessary technical data in regard to the Lake Roosevelt area.

While on the subject of Lake Roosevelt, we, the Spokane tribe, are also involved in the Lake Roosevelt management agreement along with the National Park Service, the Bureau of Reclamation, the Colville tribe, and the BIA.

To also, I guess, just make a pitch for when funding is asked for for the Lake Roosevelt management—it is becoming one of the hot spots for recreational development and, as part of this management group, we feel that it is very important that we be involved as well as the Colville tribes in assuring the tribes and the general public that the recreational development of Lake Roosevelt is done in such a manner as to enhance the area and not degrade it.

Mr. DICKS. Well, I appreciate your statement. We understand your concerned interest. I would make one observation. If I were in your shoes, I'd go talk to your Congressman, too, from your area, because he has special influence with this committee. [Laughter.]

Mr. FLETT. We have done so.

Mr. DICKS. That's good. We'll talk to him, then. All right. [Laughter.]

Mr. FLETT. Thank you very much for your time.

Mr. DICKS. We appreciate that.

Your time has expired.

Mr. WYNNE. Mr. Chairman, I'm talking——

Mr. DICKS. A separate group, okay, good.

Mr. WYNNE. I'm talking for the Inland Tribal Consortium and the concerns of young people.

Mr. DICKS. All right.

Mr. WYNNE. I'm Vice President Bruce Wynne, the vice president of the Inland Tribal Consortium, a consortium of seven tribes formed in order to establish a youth alcohol treatment center in the eastern region of the Northwest. The seven tribes come from the three States in the Northwest.

In 1985 the Omnibus drug and alcohol bill was passed, and we founded a consortium. It's taken us from 1985 to 1990, and we're just now getting our alcohol treatment center open in Spokane.

There are so many roadblocks and so many problems that they sow in your path before you can get to this point, that we've been increasingly frustrated over the years. Now we have a temporary treatment center open in Spokane and we're looking to open a permanent center in the near future, as soon as possible.

But what we're going to ask the Committee about is in regard to the new facility. The new facility is going to cost about $4 million, and we have a $1 million budget to run the center now. The money allocated is probably enough, and I think it's allocated already, but $600,000 has been allocated up to now for planning and develop-

ment. We would like the 638 contract portions of that planning and development money, so that we can try to move this process along faster.

IHS has told us that they have to go through a program of requirement process with Health and Human Services' contract people. They said, at the very least, that's going to take three years, and usually they take four years before you get up to that point. We can't wait that long.

People are dying while they have to wait for this process to go through. We would just like the Committee's support and assistance in getting this process finished as soon as possible, because there are no governmental facilities in our region that are suitable to use for that purpose. We're going to have to buy land and we're going to have to build a facility.

I have a whole lot of other things I want to talk about, but that's really the primary thing that you need to assist us with, to make sure that the money is available and stays available. They keep on pulling money back.

I also want to make a statement on Mr. DeLaCruz' testimony on the Indian Health Service's budget and also Julie Johnson's statement on the Indian Health Service budget, because the Portland area really is discriminated against for allocation of money, and it really hurts us real bad.

Thank you.

Mr. DICKS. We'll see if we can get that straightened out this year.

Okay, good. Excellent statement.

Mr. FLETT. One last thing, I'd like to extend an open invitation for you, if you're ever in our area, to stop by in Spokane and look at our treatment center.

Mr. DICKS. I'll do that. The next time I'm in there, I will come and do it.

Mr. FLETT. Thank you.

Mr. DICKS. So you stay in touch with Mike Bagley on my staff and we'll try to work that into our schedule.

Mr. FLETT. Thank you.

Mr. DICKS. Good.

[The prepared statement of Mr. Flett and Mr. Wynne follows:]

The objective of this report is to provide rationale for why the member tribes of the Upper Columbia United Tribes (UCUT), including the Coeur d'Alene, Kalispel, Kootenai and Spokane Tribes, are seeking a congressional appropriation to support their Fisheries Center located in the Biology Department at Eastern Washington University for Fiscal Year 1991. This report summarizes: (1) the accomplishments of the Upper Columbia United Tribes Fisheries Center; (2) why a congressional appropriation is needed; and (3) funding requirements.

In 1989 the United States Congress appropriated $300,000 to support the operation of the UCUT Fisheries Center. At that time, and for two years preceeding, the UCUT Tribes requested that a continuing line item within the Department of Interior, Bureau of Indian Affairs (BIA) banded budget, similar to that of the Columbia River Intertribal Fisheries Commission and the Northwest Indian Fisheries Commission, be established to fund the operation of the UCUT Fisheries Center. Although Congress appropriated funding, it declined to act on adding the UCUT Fisheries Center as a line item in the BIA banded budget. Therefore, because UCUT Fisheries Center is important to the Tribes for both regulating our environmental resources and economic development, the UCUT Tribes must again come before Congress and request your continued support for our Fisheries Center. The UCUT Tribes are requesting a funding level of $309,976 in FY 91 and we are again asking for a continuous line item in the BIA banded budget.

In 1987, the Northwest Power Planning Council (NPPC) approved four fisheries enhancement projects proposed by the Upper Columbia United Tribes for northeastern Washington and the Idaho Panhandle, totalling approximately $9.1 million in initial capital costs and $365,000 in annual operation and maintenance expenses. The projects will be funded by the BPA. The projects include two kokanee salmon hatcheries on Lake Roosevelt in eastern Washington (one of which will be located on the Spokane Reservation); a sturgeon hatchery on the Kootenai River in northern Idaho, on the Kootenai Reservation; a cutthroat and bulltrout hatchery on the Coeur d'Alene Reservation and various river and stream surveys critical to the development of future enhancement projects. These projects are described in detail in an accompanying briefing report. The tribes received funding from BPA to initiate the Pend Oreille River fishery survey, Lake Roosevelt kokanee hatcheries and monitoring program, and Kootenai River sturgeon hatchery projects in FY 88 and all three projects are continuing in 1990. In each of these contracts the UCUT Fisheries Center is providing the technical expertise to direct the

30-252 O—90——10

project and on-the-job training of Tribal members while conducting the project.

The Pend Oreille River Fisheries project started in February, 1988 and continued in 1989. Four Kalispel Tribal employees were hired to work on the project. Baseline data will continue to be collected through February, 1991. This will enable the Kalispel Tribe to determine factors that limit production of particular species of fish and identify fishery improvement opportunities on the Pend Oreille River that would benefit the Kalispel Tribe. The final report that will be submitted to BPA and the Power Council in June, 1991 will contain recommendations for specific projects that will be amended into the Council's program. UCUT biologists will be needed through the end of the project to direct activities, prepare the final report and make recommendations for fisheries enhancement projects. This is required by our BPA contract.

Field work for the Lake Roosevelt monitoring program started in August, 1988. A Spokane Tribal member who received a BS degree in Biology from EWU in 1988, is directing this project. A full time Spokane Tribal creel clerk, a full time fisheries technician, two part-time fisheries aides and a Colville Tribal creel clerk, were also hired on this contract.

The purpose of this project is to compare the fishery, angler use, angler harvest, and fish food supply before and after the Lake Roosevelt kokanee hatcheries and rainbow trout habitat improvements go on line, in order to determine the improvements in the fishery and increase in anglers brought about by these measures. Additionally, this monitoring effort will determine: 1) the best locations for outplanting hatchery fish in terms of returns to release site for egg take and maximum harvest by anglers; 2) the best times for releasing hatchery fish to coincide with maximum food supply in the reservoir; and 3) how operation of Grand Coulee Dam impacts the fishery. The project is expected to continue for five more years. UCUT biologists will be needed through the end of the project to assist in directing activities.

The final design and enviromental assessment of the Spokane Reservation kokanee hatchery was completed in 1989. Some preliminary construction work has already been accomplished such as drilling of wells. Construction at the site is scheduled to start in May 1990 and the project is scheduled for completion by October 1990.

BPA and the Tribe have agreed that the Tribe will own the hatchery but that the Tribe will lease the hatchery to BPA for 50 years. BPA agreed that they will contract the Tribe for operation and maintenance of the hatchery during the lease period. A lease agreement and operation and maintainence agreement, have been negotiated with BPA and are nearly ready to be signed.

UCUT staff wrote a scope of work and negotiated a contract with BPA for designing the Kootenai Tribe's sturgeon hatchery. Work on this project has commenced. A production well will be drilled in 1990 and water quality and biological testing of the water supply conducted. A request for bids was mailed to engineering firms that design fish hatcheries in February, 1989. The schedule requires all design work to be completed by April 1990. Construction will occur in the summer of 1990. Two Kootenai Tribal members were selected for training as (1) a fish culturist to work at the sturgeon hatchery and (2) a fisheries technician to work with IDFG on sturgeon investigations in the Kootenai River starting in March, 1989. The purpose of this investigation is to collect reproductively mature sturgeon that can be used to supply eggs for the sturgeon hatchery. Additionally, the investigation will determine the sturgeon population in the river and seasonal migratory patterns of sturgeon, so we will be able to locate sturgeon for future egg takes.

UCUT staff completed a proposal to BPA for the Coeur d'Alene Tribe to enhance native cutthroat and bull trout. This initial phase includes a baseline fisheries survey and habitat inventory of streams on the Coeur d'Alene Reservation. The start date will be April 1991. UCUT staff will be needed to direct this project through 1992.

Throughout 1989, UCUT staff interacted with the Northwest Power Planning Council (NPPC) in order to ammend the Grand Coulee Dam and Albeni Falls Dam wildlife losses into the councils Fish and Wildlife Program. In October 1989, the NPPC adopted a wildlife rule that added Grand Coulee and Albeni Falls wildlife losses to the Program. The Council also directed BPA to priotize funding for wildlife losses in "*areas that formerly had salmon and steelhead runs that were eliminated by hydroelectric projects, for example... tribal wildlife losses.*" Thus, the Spokane and Kalispel Tribes, who were impacted by Grand Coulee and Albeni Falls Dams, are in a good position for BPA funding of wildlife enhancement projects on their reservations. These projects will begin to compensate the Tribes for wildlife losses they suffered as a result of dam construction. For example, the Spokane Tribe lost 3900 acres of prime riparian habitat due to inundation by Grand Coulee Reservoir. Reports by

the first cadastral surveyors, who surveyed the boundary of the Spokane Reservation pointed out that wildlife was plentiful along the Spokane River. Today hardly any remains. This is not a result of development because there are no homes along most of the river. The loss of wildlife was due to the lost riparian habitat, flooded by Grand Coulee Dam. In 1986, the Washington Department of Wildlife estimated that it would require about $14.7 million to mitigate the Spokane Tribe for wildlife losses caused by Grand Coulee Dam.

When Grand Coulee Dam was constructed, it blocked the access of 1.1 million to 3 million salmon. Prior to 1890, 640,000 to 1.1 million salmon where harvested annually by the Indian tribes in the Upper Basin, above Grand Coulee Dam. In an economic evaluation of what this loss meant to the tribes of the Upper Columbia Basin, the UCUT Fisheries Center staff calculated that, as of 1989, hydroelectric facilities has cost the tribes a cumulative total of $1.61 billion in lost revenues. Assuming a 10% interest rate, the tribes are currently loosing $161 million per year, in addition to the revenues from the sale of the lost salmon (about $2.8 million per year).

The UCUT projects are funded under the Power Council's "*Resident Fish Substitution Policy*", whereby resident fish can be used to replace salmon losses in former salmon production areas that are permanently blocked by high dams without fish ladders. The Council further stated that the area above Grand Coulee Dam was to receive priority for projects.

At the present time, BPA is spending $100-135 million dollars per year for fish and wildlife (including $35-40 million in repayments to the U.S. Treasury; $40-60 million is lost power revenues to facilitate downstream passage of salmon; and $25-30 million on the Power Council's Fish and Wildlife Program). To date a very small percentage of these funds (*i.e.*, far less than 1%) has been spent in northeastern Washington and north Idaho where UCUT reservations are located. This seems unfair since the UCUT Tribes lost more than any other party when Grand Coulee Dam blocked our salmon runs. The UCUT Fisheries Center is needed to ensure that the UCUT Tribes get an equitable share of BPA expenditures.

A congressional appropriation for a continuing line item within the Department of Interior, Bureau of Indian Affairs budget is needed to support the following activities of the UCUT Fisheries Center, which are detailed in our written testimony:

(1) Active participation in the Power Council's Fish and Wildlife Program and the Columbia Basin Fish and Wildlife Authority.

(2) The UCUT Fisheries Center is assisting each tribe in implementing the approved fisheries enhancement projects. This assistance involves developing contracts with BPA and providing the technical expertise to direct BPA funded projects on each UCUT reservation. In the Tribes BPA contracts, the Tribes have stated their intention to cost share UCUT staff positions on the assumption that they will continue to receive BIA funding for the operation of the UCUT Fisheries Center. This is necessary so that the Tribes can hire tribal personnel to work on the BPA contracts. [*i.e.*, the UCUT Fisheries Center staff (BIA funded) provide direction for the project and train tribal members. Tribal members (BPA funded) conduct much of the work.] It is anticipated that this arrangement will need to be continued for the duration of the initial BPA projects (*i.e.*, the next four years) to adequately train tribal members and provide for each Tribe's cost-share commitments to BPA. If UCUT Fisheries Center funding were to disappear, the Tribes would have to hire non-Indian personnel on their BPA contracts and thus loose many of the long-term benefits such as technical training for tribal members. It is also possible that if the Tribes cannot meet their cost-sharing commitments, they might loose their BPA contracts.

(3) Continue to train Native American students working toward BS degrees in Fisheries at EWU, as well as technical training of Tribal members working on projects.

(4) Implementing and directing wildlife mitigation projects for identified Tribal losses associated with Grand Coulee and Albeni Falls Dams.

(5) Developing additional fisheries mitigation measures for amendment into the Power Council's Fish and Wildlife Program during the Council's next amendment cycle.

(6) Represent the Tribes by interacting with other government agencies on environmental or natural resource issues, including UCUT participation in the integrated resource planning process mandated by the Assistant Secretary of Indian Affairs.

Thank you for this opportunity to address the House Appropriations Committee.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

DORIAN SANCHEZ, CHAIRMAN, NISQUALLY TRIBE
BILLY FRANK, NORTHWEST INDIAN FISHERIES COMMISSION

Mr. DICKS. The Nisqually tribe, Dorian Sanchez, chairman?

We'll put your statement in the record, and you have five minutes to summarize.

Mr. SANCHEZ. Mr. Chairman, I'm Dorian Sanchez. I'm chairman of the Nisqually tribe located outside of Olympia, Washington. With me today is Bill Frank, who is on our fisheries commission and who testified earlier for Northwest.

On behalf of the tribe, I'd like to thank the Committee for the testimony time today and for past assistance that the Committee has provided to the tribe. The tribe has a set of priority funding requests this year, and we have three areas which I would like to list today, with the first being law enforcement. It's a request for $291,000 for a permanent increase to the tribal base budget. It would add three officers and a technician and provide equipment. Currently, the base budget for the tribe is $30,000 which provides one full-time officer, and is totally inadequate.

The second priority is to increase the base budget for our fisheries management program back to the 1988 level. This request is for $200,000. It will provide for the current staffing levels. It will provide for an environmental program, very important on the Nisqually River. It will also provide for enrollment services and other programs within the fisheries division.

One of the concerns which was expressed earlier today by the Northwest Commission is the lack of providing salary increases for tribal employees. Recently we've experienced the loss of important tribal staff to local governments who are in the process of stealing away some of our best employees. We have a civil service system within our tribe and try to maintain our employment, but it's hard to do with a lack of adequate salaries.

The third project is the Nisqually youth shelter and counseling center. The tribe initiated a program to provide a center for our children, of which currently 50 percent of our population is under 19 years of age. The tribe purchased 15 acres and a facility for this program, and currently that's where it sits. We're looking for funding for startup and renovation for a much-needed project. All of these things were approved by the tribal council and are very important.

Lastly, I'd also like to support the Northwest Indian Fish Commission in their earlier statements. We have an additional support request for the Native American Fish and Wildlife Society.

Thank you.

Mr. SANCHEZ. Mr. Frank wants a few more words this time around.

Mr. FRANK. I just wanted to add that I'm just sitting here in support of all of our tribes in the Northwest as well as my tribe, the

Nisqually tribe. We'll be answering some of your questions later on——

Mr. DICKS. Good.

Mr. FRANK [continuing]. Mr. Chairman, in the meeting.

Mr. DICKS. Good. All right, thank you very much. It's an excellent statement and we're glad to see you all testifying together here.

[The prepared statement of Mr. Sanchez follows:]

Nisqually Indian Tribe

4820 She-Nah-Num Drive S.E.
Olympia, Washington 98503
Phone: 456-5221

Dorian S. Sanchez	Chairman
Reuben Wells	Vice-Chairman
Sheila McCloud	Secretary
Norine Wells	Treasurer
Rena D. Wells	5th Member
William R. Wells	6th Member
Marlene Mercado	7th Member

NISQUALLY TESTIMONY
Introduction

Mr. Chairman, I am Dorian Sanchez, Chairman of the Nisqually Tribe which has 400 members of primarily fishermen located near Olympia, Washington. Thank you for the opportunity to provide testimony. On behalf of the Tribe, let me express our gratitude for the federal assistance which the Committee has directed to Nisqually. This has helped in our efforts to rebuild.

The Nisqually Tribe has a unique history, particularly within the past 15 years, which requires us to request additional federal assistance. For the record, I would like to highlight the factors which are unique about our Tribe to put our requests into perspective. The economic and cultural integrity of the Tribe was devastated in 1917 when two thirds of the best lands on the reservation were converted to the Fort Lewis military base. This totally displaced the tribal membership and in 1972 only 40 members resided on the reservation.

In the past 15 years, the Tribe has embarked on an aggressive effort to repatriate our members and re-establish our homes on the reservation. Today, we have, with federal assistance, built a tribal center and complex, some tribal businesses and almost 100 homes for the 400 people who now live on reservation lands. We have established a tribal fish hatchery which produces several million fish each year to restock the fishery upon which the majority of our members rely. A key to our progress has been the tribal staff. In the mid 70's, the Tribe adopted its own "civil service" system which creates stability in administration -- over 40% of our tribal employees have been with the Tribe for over 10 years. Under our system, the Tribal Business Committee meets weekly to establish policy and enact tribal law, but the day-to-day administration of the Tribe is by professional administrators which is a key to our stability and accountability.

Because of these circumstances, the Nisqually Tribe critically needs increases in our base budgets to accommodate our growth and expansion. As you might imagine, the BIA and IHS have not been able to provide increases from within existing budgets, so we have no alternative but to request your assistance. In recognition of the budgetary constraints facing Congress, we conducted a detailed staff review of our needs. After a public review process to provide for community participation, the following priorities, listed in order, were adopted by the Tribe. The priorities are as follows: law enforcement; fisheries management; and a Youth Shelter Counseling Center.

These requests are supported by local law enforcement personnel, local officials from Olympia and our delegation. We respectfully suggest to the Committee that these modest investments in the Nisqually Tribe will be utilized well and contribute to the overall welfare of our community.

I. Tribal Law Enforcement

Request: A permanent increase of $291,010 to the Tribe's base budget to add 3 full-time officers and 1 law enforcement technician; establish a police reserve system; purchase equipment and materials; provide for equipment operation and maintenance; conduct training; provide insurance and subscribe to professional law enforcement services.

Justification: The current budget of $30,000 has not increased since 1980 and provides for only one officer. Since 1980, the tribal population and land base have increased by over 100%. Ninety-five percent of the population is under tribal jurisdiction. Crime has increased along with population and last year the tribal officer was unable to respond to 396 calls for assistance. Particular problems are caused by the reservation as a "cross roads" between two urban areas: Olympia and Tacoma. Gang violence and illegal drugs have increased drug usage and related crimes on the reservation. A recent Indian Child Welfare Agreement with Washington State recognized the Tribe's exclusive jurisdiction over Nisqually children.

Since 1982, the following increases in reservation based crime have been documented by the law and order department: Major Crimes -- 300%; Misdemeanors -- 100%; Traffic citations -- 2,000%; property crimes -- 2,000%; sex crimes -- 200%; child abuse -- 400%; suicide attempts -- 500% (one this past year was successful); animal complaints -- 1,500%; and environmental complaints -- 1,200%. In addition, state and local law enforcement officers call on our tribal officer for assistance involving Indians near the reservation. The majority of these crimes are caused by increased illegal drug use, increased population and pressures from the non-Indian community. Under present constraints, we are unable to respond to large number of incidents.

Under current limitations, the sole tribal officer has to provide his own weapons and equipment and is not covered by retirement benefits. Providing 24 hour service is impossible and after hours we have to rely on a dispatch service which does not work. As a result, the reservation is essentially without effective law enforcement services. As a result, crime is proliferating and tribal citizens are unprotected.

Results Benefits: Although the optimum requirement for the tribal law enforcement program is $630,000, the Tribe is requesting a minimum increase of $291,010 to establish a four man police force adequately equipped to provide 24 hour law and order services on the reservation.

II. Fisheries Management

Request: A permanent increase of $200,000 to the Tribe's Fisheries Management base budget to restore funds to the FY 88 level and provide a small increase for permanent funding of one environmental management position; to provide full-time staff for enrollment services; to provide funds to move the Fisheries Management salaries to the GS scale; and to provide for modest cost increases in support services for the program.

Justification: The purpose of the Nisqually Indian Tribe's Fisheries Management program is to allow the Tribe to exercise its management responsibilities as required by U.S. vs. Washington and subsequent federal court orders. The program developed

gradually from 1974 through the mid 1980's. The FY 1985 to 1987 program budgets averaged $530,000. Beginning in FY 1988 and continuing in 1989 the Bureau of Indian Affairs reduced the Tribe's budget to $450,000, an amount less than the Tribe's 1984 budget.

With the reduction in its budget base, the Tribe has been forced to reduce fisheries management activities, particularly in the areas of environmental management and enrollment. For example, the Tribe was unable to evaluate the impacts on fisheries habitat of the Puget Sound Dredge Disposal Plan. This plan includes one disposal site in the Nisqually Reach. The enrollment portion of the program provides a vital service to the community by aiding individual Indians to establish their rights to Tribal membership and fishing. This involves extensive research and data management and cannot be done effectively on a part-time basis. Without funding these activities, the Tribe's ability to protect the rights and resources of its members is diminished greatly.

In addition, the Tribe proposes to switch its current salary system over to the General Schedule used by the Federal government. Over the past several years outside agencies have been hiring away the Tribe's experienced professional staff. In the past three years the Tribe has lost 37 years in combined experience at Nisqually, because the Tribe is in direct competition with outside agencies for staff. The Tribe has a civil service system which provides periodic salary increases similar to the Federal government. The BIA provides increases for staff and the Tribes should be able to do the same to retain staff and maintain program integrity.

Salaries also increase for other reasons. The Tribe's program has been on-line for over 15 years. We now have employees, particularly technicians who are also Tribal members, with over ten years of service. We have encouraged these employees to look upon their jobs as careers and, of course, their salaries must increase above entry levels to correspond to these years of service. This has been difficult to do with a base budget smaller than FY 1984.

Finally, a small portion of the proposed increase is for increased costs of equipment, supplies, facility maintenance and other support services. The cost of these services has increased since 1984 and we are requesting an increase of the base budget to reflect this increase.

Results Benefits: The increased funding requested will allow the Tribe to protect the Tribe's treaty rights by meeting its obligations under U.S. v. Washington including providing for enrollment services, and environmental management. changing to the GS salary scale will provide competitive salaries so that the Tribe can retain experienced staff.

III. Nisqually Youth Shelter/Counseling Center

Request: $244,000 in IHS funds to complete construction and renovation of the Center and provide first year start up costs.

Justification: The Nisqually Tribe has completed Phase I of its Youth Shelter and Counseling Center development project, and is seeking funding support for Phase II. Phase I has involved the purchase and initial renovation of a 2,400 sq. ft. residential youth facility on 15 acres of wooded farmland located on the Nisqually Reservation, at a cost of $45,000 to the Tribe. Phase II will involve the completion of the remaining

facility renovation work, purchase of equipment and furnishings, and the start up of facility operations, at a cost of $244,000.

There are over 400 Native American youth in the Nisqually service area of Thurston County between the ages of 8 and 19. These youth face a range of severe problems, including an alcohol/drug abuse rate in excess of 50%, a high school dropout rate in excess of 60%, a household poverty rate of over 45%, and accidental death rates and suicide rates more than 4 times that of the non-Indian population of the same age group. Tragically, funding for desperately needed prevention/diversion services for these high risk youth has been difficult to obtain, and as a result, the Tribe has had to watch helplessly as another generation of tribal youth have fallen victim to the same problems of substance abuse, poverty, and low educational levels that have plagued previous generations.

To deal with the above problems, the Tribe has developed an essential and comprehensive package of preventive and remedial services targeted directly at these high risk Indian youth, to be provided out of the Youth Shelter Counseling Center. Services will include emergency shelter for runaway/homeless youth, personal and family counseling, a structured program of cultural and social activities, educational tutoring, and referral and networking with other tribal human service programs (substance abuse, health/medical, child and family services). The facility is projected to serve over 200 Indian youth per year, and will have a 10 bed capacity for emergency shelter services.

The Tribe was extremely fortunate to be able to purchase the facility and 15 acres at a fraction of its market price. The site is within 2 miles of 75% of the tribal service population, providing opportunities for development of preventive and therapeutic programs to instill self-esteem, and self-sufficiency skills, in high risk Native American youth.

Benefits: The developmental and operational costs for the facility $244,000 for year 1, a reasonable, even minimal, cost when compared to the additional costs that the Tribe, and society, will incur for these youth through the welfare, and criminal justice systems if their severe problems are not addressed. The funds will enable the Tribe to fund and operate the Center in Year One. Subsequent operational costs will be much less. In FY 91 we will serve 200 at-risk youth.

SUPPORT FOR NATIVE AMERICAN FISH & WILDLIFE SOICETY

The Tribe also supports the request of the Native American Fish & Wildlife Society to increase funding for tribal fish, game and parks programs. As indicated in our testimony, the majority of Tribes are seriously underfunded for these essential programs. Obtaining an increase in this line-item of the BIA would be beneficial to many Tribes.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

THOMAS N. TREMAINE, ESQ., SPOKANE LEGAL SERVICES CENTER; REPRESENTING THE KALISPEL TRIBE OF INDIANS

Mr. DICKS. Spokane Legal Services, Tom Tremaine?

Tom, welcome. We'll put your entire statement in the record. You have five minutes to summarize.

Mr. TREMAINE. Thank you, Mr. Chairman. My name is Tom Tremaine. I'm a staff attorney with Spokane Legal Services. I'll make my comments very brief because, again, you do have my statement.

For the last two years I have been involved in a lawsuit, the intention of which was to bring a properly-operated general assistance program to needy Indians in the State of Washington. As I'm sure you're aware, the general assistance program is a program designed to provide cash assistance to meet the most basic needs for those who wish to remain in their tribal community and have no other source of income.

The representations that have been made to this committee in the past by the Bureau of Indian Affairs with respect to the cost of this program and expectations with respect to caseloads in the State of Washington have been grossly inaccurate. The caseloads, now that we have had to engage in follow-up litigation efforts, are dramatically increasing in the State of Washington. It is our belief at this point that the caseloads will exceed our expectations of last year before fiscal year 1990 is out.

The program in the State of Washington is operating with reprogrammed funds; at least that's our understanding at this point. We're engaged in an effort, as part of a settlement of a contempt action, to review the operation of the program by all the BIA agencies that service the Indian tribes in the State of Washington, to see just how bad and how serious the problem is.

There are two items in my—actually three items in the statement that I've given to you. One is the dollar amount that we believe is going to be critical to guaranteeing that current and future general assistance payments can be made to Indians in the State of Washington. That amount is based on what we believe to be even now a rather conservative estimate of need in the State of Washington, a need that we estimate, quite frankly, is below national participation levels.

We've also indicated that there's a sum of money substantially in excess of what BIA has requested that's needed to properly administer the program in the State of Washington. It is because of a lack of commitment and a lack of funding, we believe, for the administrative end of this program, one and a half years after the issuance of a permanent injunction requiring the BIA to operate this program, that the enormous problems continue to exist.

Finally, as part of the settlement of this case, both the original litigation and the contempt action, the BIA has had an increasing retroactive obligation. Indian people in the State of Washington currently are eligible for up to 23 months of retroactive benefits

under the amended settlement agreement. In addition, Indian people living in the Puget Sound agency service area will be eligible for four more months of retroactive benefits. Again, we've conservatively estimated the cost of paying those retroactive benefits, and if there's anything that I think is critical for the Committee to recommend in the overall BIA budget, it's to make sure that there's a fund of money that will pay these retroactive benefits, not just allow BIA to pay this out of the allocation for general assistance nationwide.

Unless that money is made available as a separate fund, it is our fear that not too far into fiscal year 1991 GA payments across the country will be either reduced or terminated, because there simply will not be enough money to pay for this program.

Again, you've got our statement and the analysis that we've done based on the numbers. We believe those numbers are fairly conservative, but we hope that the Committee will support the effort to make sure that this program is finally brought into compliance with Federal law in the State of Washington.

Mr. DICKS. The bottom line here is you won the case, but the BIA refuses to fund the settlement?

Mr. TREMAINE. Well, there's not an outright refusal to fund the settlement. Again, the representation since the court issued the permanent injunction requiring——

Mr. DICKS. The caseload is lower than you're anticipating it will be?

Mr. TREMAINE. They have represented that the caseload will be dramatically lower, and there is nothing that we can see in the budget, neither in 1990 or 1991, that anticipates the several million dollars that would be required to pay out the retroactive benefits that are provided for under the amended settlement agreement.

Mr. DICKS. Are you going to go into court to get the payment? Or can you?

Mr. TREMAINE. The bottom line is I don't think we can. What the court's going to say is, "At what point are you asking us, really are you asking the court, to order Congress to appropriate money to pay these benefits?" The concern will be that either the money for the retroactive benefits will be taken out of the general assistance allocation overall or reprogrammed from other programs under the social services budget, which are of critical importance in and of themselves. We want to make sure that there will be a fund of money that won't require a shortfall in other social service programs.

Mr. DICKS. All right. Thank you. I appreciate it, and you've explained it very well. We will ask some questions of the BIA when they come up here on this.

Mr. TREMAINE. Thank you very much.

[The prepared statement of Mr. Tremaine follows:]

LAW OFFICES OF
SPOKANE LEGAL SERVICES CENTER
N. 14 HOWARD, SUITE 310
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 838-8773 1-800-231-9527
NEW CLIENTS ONLY (509) 838-3671
TELECOPIER (509) 838-8707

STATEMENT OF THOMAS N. TREMAINE, ESQ.
ON BEHALF OF THE KALISPEL TRIBE OF INDIANS
BEFORE THE SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES OF THE COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
MARCH 14, 1990

Mr. Chairman and members of the Committee. My name is Thomas Tremaine. I am a staff attorney with Spokane Legal Services Center. I appear before you today on behalf of the Kalispel Tribe of Indians. My comments will focus on that portion of the FY 1991 Bureau of Indian Affairs budget proposal that relates to the BIA's General Assistance program.

Since March 1988 I have represented the Kalispel Tribe of Indians in *Kalispel Tribe v. Brown*, No. C-88-126-JLQ (E.D. Wash. filed Mar. 15, 1988), a class action which sought to make the BIA's General Assistance program available to needy Indians in the State of Washington. Despite a court order requiring the BIA to begin operating the General Assistance program in Washington not later than September 1, 1988, the battle to make subsistence assistance available to destitute on and near-reservation Indians in Washington continues.

We have repeatedly advised the BIA, through its counsel and in face-to-face meetings, of serious deficiencies in its operation of the General Assistance program in Washington. The BIA's failure to act on these warnings has resulted in abandonment of the first Settlement Agreement, the near failure of the Amended Settlement Agreement and the filing of a Contempt Motion.

Throughout the course of our involvement with this issue, the BIA has demonstrated fundamental bad faith both in its operation of the General Assistance program in Washington and in its representations to Congress on the level of funding necessary to fully implement the program in that state. In fact, many of the problems that we have encountered are directly attributable to the inadequate level of funding appropriated to operate the program in Washington.

The Kalispel Tribe of Indians is requesting that the Subcommittee recommend an increase of $16.18 million -- $8.28 million to fund the direct and indirect costs of operating the General Assistance program and $7.9 million to fund the payment of retroactive benefits -- for the General Assistance program for FY 1991.

1. **$6.8 Million Will Be Required In FY 1991 To Fund General Assistance Grants In Washington State.**

Responding to a budget that failed to request funding to operate the General Assistance program in Washington, the Kalispel Tribe last year presented testimony before this Subcommittee supporting an increase of $9.25 million to the BIA's FY 1990 budget request. This amount was premised on the direct and indirect costs of operating a program which, when fully implemented, would serve a conservatively estimated 2,225 persons per month. (A copy of the written testimony submitted on behalf of the Kalispel Tribe for FY 1990 is attached as Appendix A).

The BIA, on the other hand, estimated that the average monthly caseload in Washington for FY 1990 would be 233, and that the cost of providing General Assistance to Indians in the state of Washington could be supported within its FY 1990 budget request. The BIA also assured the Subcommittee that it could meet the cost of administration with the amounts sought in its FY 1990 budget request. The Subcommittee did not find the BIA's analysis to be credible and recommended an increase of $1.2 million. In doing so, it specifically directed the BIA to report on its funding situation by March 31, 1990.

Of the FY 1990 General Assistance appropriation, $2,172,000 was allocated to the Portland Area (Washington, Oregon, Idaho and Flathead Agency) for General Assistance grants. *See* Memorandum from Acting Portland Area Director (attached as Appendix B). Of this amount, more than $1 million has been expended in the first five months in the State of Washington alone. We have been advised that the BIA has exhausted its allocation for General Assistance in Washington and is now meeting ongoing programmatic needs through reprogramming. What funds are being reprogrammed or what additional needs are being unmet has not yet been disclosed.

While the BIA has yet to fully implement the General Assistance program in Washington (*See* Defendants' Stipulation attached as Appendix C), the average monthly caseload so far in FY 1990 stands at 1,013 per month -- more than 300% higher than the BIA's estimate. The statistical trend is obvious, the number of persons served each month is growing dramatically.

GENERAL ASSISTANCE IN WASHINGTON STATE FY 1990

	Oct. '89	Nov. '89	Dec. '89	Jan. '90	Feb. '90
No. of Persons	655	821	1,039	1,169	1,383
Cost per Person	$159.29	$215.24	$214.40	$226.62	$228.18
Cost for Month	$104,338	$176,719	$222,767	$264920	$315,578

The BIA's failure to properly operate the General Assistance program in Washington has prevented many eligible people from receiving assistance and has discouraged many more potentially eligible people from applying for assistance. Thus, even the February 1990 case statistics showing 1,350 persons receiving General Assistance fails to demonstrate actual need in Washington.

As of February 1990, the General Assistance participation rate for the Colville, Olympic Peninsula, Spokane and Yakima Agencies (where the General Assistance program has been run with no, or modest to moderate deficiencies) stands at just over 6% of the on and near-reservation population. In contrast, just 7/10 of one percent of the Puget Sound Agency's 20,141 on and near-reservation population is currently on General Assistance. This low rate of participation is an anomaly caused by the BIA's admitted failure to properly implement the program in the Puget Sound service area.

Given the rapidly growing caseloads statewide, and the expected dramatic increase of the Puget Sound Agency's caseloads, it is likely the average monthly caseload of 2,225 which we estimated last year will be reached and surpassed before the end of FY 1990. Based on an average monthly caseload of 2,470 (6.1% of the total on and near-reservation population) at the current monthly cost per person of $228.18, at least $6.8 million must be appropriated simply to fund direct General Assistance payments in Washington in FY 1991.

2. $1.48 Million Is Required For The Administration Of The General Assistance Program In Washington State

The BIA's budget justification proposes "an increase of $54,000 at the Portland Area Office to support the newly authorized programs in Oregon and Washington." Budget Justification at 73. Last year we estimated that a caseworker/client ratio of 1:50 was necessary for the proper operation of the General Assistance program. At an administrative cost of $30,000 per caseworker, $1.48 million will be necessary for administration of the General Assistance program in the State of Washington alone in FY 1991.

3. $7.9 Million Is Required To Meet The BIA's Retroactive General Assistance Obligation Under *Kalispel Tribe v. Brown*.[1]

The BIA's continuing failure to properly operate the General Assistance program in Washington has resulted in an ever increasing retroactive obligation. Under the current Amended Settlement Agreement, Indians in the State of Washington may be eligible for up to 23 months of retroactive benefits for the period December 1, 1987 through October 31, 1989. (This is an increase from the 16 months provided for in the original Settlement Agreement). In addition, Indians served by the Puget Sound Agency will be eligible for up to 4 more months of retroactive benefits. *See* Agreed Order on Motion for Finding of Civil

---

1 It should be noted that the BIA's retroactive obligation may be paid out during FY 1990. If this occurs, the BIA's retroactive obligation will be borne by needy Indians throughout the nation in the form of a reduction or suspension of regular monthly General Assistance payments unless Congress approves a $7.9 million supplemental appropriation for FY 1990.

Contempt (attached as Appendix D). As the operation of the General Assistance program by other Agencies in Washington is closely scrutinized, the BIA's retroactive obligation may grow even larger.

Assuming that the total number of persons applying for retroactive benefits under the Amended settlement Agreement is no greater than the projected monthly number of recipients (an extremely conservative estimate) and assuming further that the average period of retroactive benefits for which these people qualify is 12 months at an average of $228.18 per month (again, an extremely conservative estimate) the revenue impact will be $6.8 million.

The effect of the additional retroactive provisions of the Agreed Order on Motion for Civil Contempt is difficult to estimate. Assuming 6.1% of the Puget Sound Agency's on and near-reservation population of 20,141 qualifies for four additional months of retroactive benefits at the current monthly cost per person of $228.18, there will be an additional revenue impact of at least $1.1 million.

4. The BIA's FY 1991 Budget Request Is Insufficient To Support The Expected Growth In General Assistance In Washington State.

The only way the BIA's FY 1991 budget request could support the growing General Assistance program in Washington is if there is a concurrent decline of equal magnitude in the cost of General Assistance in the other 20 states in which the program is currently available. We think this is unlikely for three reasons. First, as has already occurred in the State of Washington, some of the other 20 states in which General Assistance is currently available are likely to experience increases in the state assistance payment standards (the standard upon which the BIA bases its grant payments) which will mean a rise in the General Assistance cost per person per month. Second, our information suggests that operation of the General Assistance program in Oregon has been plagued by many of the problems experienced in Washington. It is likely that the BIA will face rapidly increasing caseloads in Oregon (as well as the possibility of retroactive obligations if litigation is undertaken). Finally, it is likely that the BIA will have to expand the General Assistance program to the State of Alaska and the entire state of Utah (the program is currently available only to residents of the Navajo Reservation in that state). The BIA's FY 1991 budget request, therefore, not only underestimates the costs of operating the program in the State of Washington but also fails to anticipate the likelihood that costs will be increasing in other states.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

KEN SMITH, CHIEF EXECUTIVE OFFICER, THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION

ZANE JACKSON, TRIBAL COUNCIL CHAIRMAN, THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION

Mr. DICKS. Confederated Tribes of the Warm Springs Reservation, Ken Smith?

We're glad to have you here, in a different capacity than the old days, but we're still glad to have you here.

Mr. SMITH. Thank you, Mr. Chairman. I'm Ken Smith, chief executive officer for the Confederated Tribes of Warm Springs. I'd like to introduce Zane Jackson, our tribal chairman, who will give you the short summary of our written statement.

Mr. DICKS. Okay, we'll put the entire statement in the record, and you have five minutes to summarize.

Mr. JACKSON. Thank you, Mr. Chairman.

Also with us we have two chiefs from Warm Springs: Delvis Heath, on my right——

Mr. DICKS. Good.

Mr. JACKSON [continuing]. From the Warm Springs tribe, and Chief Nelson Wallulatum of the Wasco tribe.

Mr. DICKS. Well, we're glad to have the two chiefs here.

Mr. JACKSON. My name is Zane Jackson, chairman of the Confederated Tribes of Warm Springs reservation of Oregon. Our written testimony covers a number of IHS and BIA issues, but I will limit my talk today to our principal concern——

Mr. DICKS. Good.

Mr. JACKSON [continuing]. Our Warm Springs IHS joint venture proposal for a health center.

With regard to that proposal, we request within the IHS budget that the Committee authorize the IHS to enter into an agreement with the Warm Springs tribes to lease space within the new Warm Springs Health Wellness Center for $1 per year until the year 2000, or other reasonable time that Congress would determine.

Also, to add $570,000 for fiscal year 1991 for one-half of the IHS equipment required in the new facility, a nonrecurring item. Add $380,000 in 1991 for 12 new staff positions, a recurring expense; instruct the IHS to include within the fiscal year 1992 budget an additional $569,000 for the other half of the equipment, nonrecurring. Also, $397,000 for 12 additional new staff positions; that would be recurring, and $140,000 for IHS's share of the operations and maintenance; that would be recurring.

The items we requested will enable the IHS and tribes to implement our proposed joint venture for providing health care at Warm Springs. We will plan, design, and build a new health facility at Warm Springs and provide it rent- free to the Indian Health Service for a number of years. In consideration, the Indian Health Service will provide the equipment, the staffing package, and its share of the operation and maintenance costs.

We have attempted to make this proposal as attractive as possible to the Federal Government. We expect to invest over $5 million of our own funds in that facility. We think this is an unprecedented offer and an investment in which IHS will benefit substantially.

The existing IHS clinic at Warm Springs was constructed in 1934 as a BIA hospital. Although renovations have been made throughout the years, the building is totally unsuited for today's health and wellness program. The facility is too old, too small, and too expensive to renovate and the staff is inadequate for the growing service demand.

A replacement facility is urgently needed. At the current pace of construction, we will have to wait 10 to 20 years for IHS to provide a clinic. We simply cannot afford to wait. The health status in our community is unacceptably poor. We must work together to achieve health improvement.

We take self-determination seriously. We believe there will never be enough money to treat all the illnesses, and so are committed to a government-to- government partnership in which we do our share in the design and implementation of the solution to health problems. Our facility will be a symbol to underscore our belief in each individual's responsibility for his or her own health, and every member of the tribe will be part owner.

We believe that we have an exciting alternative to 100 percent federally-financed IHS construction projects. We want you to know that we have attempted to minimize the Federal cost associated with this project. We believe it is more than fair and hope you will accept it. However, if you have any questions, we'd be willing to discuss details of this proposal with you.

We will leave our briefing with you and make ourselves available to your staff to provide any additional information that you may require.

Mr. DICKS. Well, I think this is a very interesting proposal. Our staff advises me that this is why we asked for a study on this matter. We certainly want to know as much about it as we can. The fact that you're willing to put that $5 million up is certainly something that we'll all have to take into account, and we will try to give this very serious consideration.

Mr. JACKSON. We have information on the proposal.

Mr. DICKS. Good.

Mr. SMITH. Mr. Chairman, although you have not received the study officially—maybe you have—we thought we'd give you a briefing paper——

Mr. DICKS. Good. Excellent.

Mr. SMITH [continuing]. Before it gets to you.

Mr. DICKS. We will study them closely. We'll work with you on this issue.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. JACKSON. Thank you, Mr. Chairman.

Mr. DICKS. Good. Thank you very much. It was a very good presentation.

[The prepared statement of Mr. Jackson follows:]

Warm Springs, Oregon 97761 | 503 553 1161

TESTIMONY OF ZANE JACKSON, TRIBAL COUNCIL CHAIRMAN
THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON
SUBMITTED TO THE APPROPRITAIONS SUBCOMMITTEE FOR THE INTERIOR
AND RELATED AGENCIES
UNITED STATES HOUSE OF REPRESENTATIVES
MARCH 14, 1990

Mr. Chairman, members of the Subcommittee, I am Zane Jackson, Chairman of the Confederated Tribes of the Warm Springs Reservation of Oregon. I am testifying with the following requests to the Bureau of Indian Affairs and Indian Health Service budgets for FY 1991.

Within the Indian Health Service budget:

- Authorize the I.H.S. to enter into an agreement with the Warm Springs Tribes to lease space within the new Warm Springs Health and Wellness Center for $1 per year, until the year 2000, or other reasonable time that Congress determines.
- Add $570,000 for FY 1991 for one half of the IHS equipment required in the new facility (non-recurring).
- Add $380,000 for FY 1991 for 12 new staff positions (recurring).
- Instruct the IHS to include within the FY 1992 budget an additional $569,000 for the other half of the equipment (non-recurring), $397,000 for 12 additional new staff positions (recurring), and $140,000 for IHS's share of the Operations and Maintenance (recurring).

Within the Bureau of Indian Affairs budget:

- Restore the $200,000 for Tribal participation in planning for the Columbia River Gorge Scenic Act/Oregon Wild and Scenic Rivers Act.
- Add $7 million for Contract Support/Indirect Costs and direct the BIA to implement the funding provisions of the Self-Determination Act Amendment.
- Support the $2 million increase requested by BIA for special Forest Development funds,
- Add $5 million for Facilities Operations and Maintenance.

Within both the B.I.A. and I.H.S. budgets:

- Review the impact of inflation and population growth on the resources of these two agencies over the past ten years and determine a method by which appropriate annual adjustments can be made.

We will be submitting detailed briefings on both budgets to the Subcommittee in the near future along with our recommendations on these and other items.

Warm Springs Health and Wellness Center:

The items requested above will enable the IHS and the Tribes to implement our proposed joint venture for providing health care at Warm Springs. We will plan, design, and build the new health facility at Warm Springs and provide it **rent free** to the Indian Health Service for a number of years. In consideration,

the Indian Health Service will provide the equipment, a staffing package, and its share of the operation and maintenance costs.

As you recall, last year the Tribe requested Congress to instruct the IHS to prepare a report detailing the Tribe's proposal to construct a new health facility using non-federal funds. Congress instructed IHS to work with the Tribe in developing that report. We do not know if you have seen the final report, but because we were anxious to get the facts to Congress, we have prepared our own briefing on the proposal and made it available. This briefing includes the background, motivation, details of the proposal, schedules and timing, costs to the Tribe and the Federal government, and a discussion of the advantages and disadvantages.

We have attempted to make this proposal as attractive as possible to the Federal Government. We expect to invest over $5 million of our own funds in the facility. The lost earnings on those funds is several million more. We think this is an unprecedented offer, and an investment in which the IHS will benefit substantially, both in facility savings and savings in Contract Health care. The staffing we have requested is no more than what is needed for today's service demands.

The existing IHS clinic at Warm Springs was constructed in 1934 as a BIA hospital. Although renovations have been made throughout the years, the building is totally unsuited for today's health and wellness program. The facility is too old, too small, too expensive to renovate, and the staff is inadequate for the growing service demand. A replacement facility is urgently needed. At the current pace of IHS construction, it will be well into the next century before we might see a new IHS built facility at Warm Springs.

We simply cannot afford to wait. The health status in our community is unacceptably poor. For example, our average age of death is 44, as compared to 75 in the state of Oregon. We have a hospitalization rate of twice the national average. Birth rates are two to three times that of the surrounding area. Costs of health care are rising at an alarming rate, and both the IHS and the Tribes are heavily impacted. We are presently funding 37% of the health care expenditures in our community while IHS is funding 49%. Given medical inflation and population growth, we must work together to achieve health improvement.

We want Congress to realize that this new Health and Wellness Center is an important part of our health improvement plan, but by no means the total answer to the health problems faced by our community. The Warm Springs Tribes have made a large financial commitment to health promotion and disease prevention activities. We have a stated goal of becoming the "healthiest Indian community by the year 2000". Our investments in the health of the community are taking place on four tracks:

1. Development of a responsive health delivery system.
2. Creation of effective health information systems.
3. Establishment of an informed and active community, and
4. Formation of a well informed and conscientious tribal leadership.

We take "Self-Determination" seriously. We believe that there will never be enough money to treat all the illnesses, and so are committed to a government-to-government partnership in which we do our share in the design and implementation of solutions to health problems.

Access to quality health care is a critical element of any community's needed infrastructure and makes economic development and greater self-sufficiency possible. Additionally, community pride is enhanced by ownership and involvement. Our facility will be a symbol to underscore our belief in each individual's responsibility for his/her own health, in that every member of the Tribes will be part owner.

We believe that the Federal Government can better provide for the hundreds of needed facilities in Indian country by leveraging the Federal resources wherever possible. We believe that we have an exciting alternative to 100% Federally financed IHS construction projects. We recognize that there are many Tribes without resources of their own. But we believe that many other Tribes can and would participate, given the incentive and opportunity to do so.

It is crucial that we move as quickly as possible. Each year of delay will cost more, not only in escalating construction costs, but also in increased contract care for both IHS and the Tribes.

Although we don't know the final recommendation of the IHS report, we feel that they fully understand and support our proposal.

We want you to know that we conscientiously attempted to minimize the Federal costs associated with this project. We believe it is more than fair, and hope you will accept it. However, if you have any questions, we would be willing to discuss details of this proposal with you.

We will leave our briefing with you and make ourselves available to your staff to provide and additional information
that you may require.

-Restore $200,000 for participation in Columbia River Gorge/Oregon Wild and Scenic Rivers planning.

Funds were not requested to assist Columbia River Tribes to participate in planning the implementation of the Columbia River Gorge Scenic Area Act and the Oregon Wild and Scenic Rivers Act. We expect that this planning will continue at least through FY 1992.

-Add $7 million for Contract Support/Indirect Costs

The BIA has made no attempt to implement the Contract Support funding provisions of the Indian Self-Determination Act Amendments of 1988. For non-education/non-construction programs, only a $1 million increase has been requested for indirect costs, which would not even keep pace with inflation,. No funds have been requested for one time start up costs of new contracts or for other direct contract support costs required to implement new contracts. Does the BIA expect no new contracts? It is as if the amendments never happened!

-Support the added $2 million for Forest Development

The additional $2 million that the BIA has requested for special Forest Development will help to continue the removal of the backlog begun in 1977. We have continued to contribute Tribal forestry resources to eliminate the backlog, and are pleased that the BIA has requested additional funds.

-Add $5 million for B.I.A. Facilities Operation & Maintenance

This month we were advised by our Superintendent that the Warm Springs facilities will be closed in June due to lack of funds. Facilities management staff are being laid off now. Our review of this situation indicates that many costs are not yet accounted for in the B.I.A. distribution formula, and that inventories are still not complete. Further, costs the Tribes paid in 1988 on behalf of B.I.A. were not counted in determining B.I.A. funding requirements for 1990.

Our review of this situation with B.I.A. and the Office of Construction Management lead us to conclude that the amount needed nationally is $5 million.

-Review the impact of inflation on BIA and IHS budgets

Over the past 15 or more years, little real increase has been made in these budgets. When compared with inflation, both have lost ground. When inflation is coupled with population growth, the loss is even greater. Based upon the Consumer Price Index, published by the Department of Labor, the January 1975 dollar is now worth 40.9 cents.

In the Bureau of Indian Affairs, only partial pay cost increases have been granted in the funding base for reservations. No increase has been permitted since prior to 1980 for inflation of non-payroll costs. Perhaps one of the best examples of erosion is in the BIA Forestry budget for timber sales management. After a much needed $6.6 million, 262 position increase in FY 1978, timber sales management rose to $9 million in FY 1979. Since then, it has basically fluctuated between $9 and $10 million, and needs a $6.8 million increase for FY 1991 just to bring its purchasing power back to FY 1979 levels.

In the Indian Health Service, the 1975 medical care dollar is now worth 30.7 cents. Since 1980, the IHS Clinical Services Budget has just kept pace with inflation and provided no increase for the 30% population growth in Indian country (47% in the Portland Area). As a result, services to our Tribes have been continuously curtailed over the past ten years. The IHS Preventive Health budget went from $61 million in 1981 to $77 million in 1990. This equates to a buying power decrease of 37%, without respect to population growth.

We are in hopes that the Congress will be able to address the impacts of inflation on the Federal Indian budgets.

Mr. Chairman, that concludes my testimony. Thank you.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

D. FRED MATT, PRESIDENT, INTERTRIBAL TIMBER COUNCIL

MARK PHILLIPS, INFORMATION SPECIALIST, INTERTRIBAL TIMBER COUNCIL

Mr. DICKS. Intertribal Timber Council, Fred Matt, president?

Welcome. We'll put your statement in the record, and you have five minutes to summarize.

Mr. MATT. Mr. Chairman, I'm Fred Matt, president of the Intertribal Timber Council, and I'm pleased to be able to be here before you today. With me, I have Mark Phillips, our information specialist. If there are any questions that I am unable to answer, he'll be able to help me out.

The Intertribal Timber Council has three requests for the BIA forestry program. No. 1 is to add $8.8 million for timber sales management in BIA tribe/agency forestry. No. 2, add $225,000 to initiate a two-year, independent assessment of Indian forests and their BIA management. No. 3, provide $1 million to BIA's central office forestry for the woodlands management initiative started in 1990.

Mr. Chairman, the last substantial increase that the timber sales management received was in fiscal year 1978, when this committee increased that program by $6.6 million and 262 permanent positions. In fiscal year 1979, BIA timber sales received a total of $9 million, but from that time until today, funding for timber sales has remained flat at between $9 to $10 million.

In fiscal year 1991, BIA's budget request for timber sales is $10 million. From 1979 until now, the cost of living has gone up 86.5 percent, requiring an additional $7,785,000 to bring timber sales capability back to the fiscal year 1979 level.

And, with the new archeological and environmental land management requirements and an increasing emphasis on multiple use, the amount of work required to prepare and process timber sales has gone up. So more work has to be done by fewer timber sales personnel.

As a result, the Bureau of Indian Affairs is increasingly unable to administer the full marketable annual allowable cut of 893 million board feet. BIA estimated last year that there is a 2.5 billion board foot harvest shortfall standing in Indian forests.

In the Northwest in the past nine years just 65 percent of the annual allowable cut has been harvested. For the balance of the timber tribes in the United States, only 53 percent of the annual allowable cut has been harvested over the last 10 years.

When the timber market is as strong as it has ever been and there is a tremendous demand for timber, the BIA's inadequate manpower in timber sales is preventing tribes from placing significant volumes of their timber on the market. This is preventing the tribes realization of their trust timber income.

To correct this, the Intertribal Timber Council is requesting an increase of 6,785,000 which, when added to the administration's $10

million request, will restore timber sales back to the fiscal year 1979 level.

In addition——

Mr. DICKS. What is the harvest level in the Northwest?

Mr. PHILLIPS. In the Northwest I believe that the tribal timber harvest level is about 500 million board feet a year.

Mr. DICKS. Why don't you put in the record what's happened over the last two or three years?

Mr. PHILLIPS. We'll get that for the record.

Mr. DICKS. Yes. Thank you.

[Material was not submitted to the Subcommittee at the time of printing.]

Mr. DICKS. Now you're just about done.

Mr. MATT. Okay. In addition, we request $2 million for a special harvest initiative to cut an additional 650 million board feet over and above our annual allowable cut. This amount, identified by the tribes last year as part of the harvest shortfall, could be put up and sold over a three-year period.

Mr. DICKS. Do you have people come in and bid on this? Do companies come in and bid on it?

Mr. MATT. Yes, sir.

Mr. DICKS. So, as we see this downfall, reduced harvest for Federal lands, this may be one way we could help some of those companies.

Mr. MATT. We should be taking advantage of the market right now.

Mr. DICKS. And the market; exactly. That is obviously true.

Mr. MATT. So, our total request for timber sales is $8.8 million, $6.8 million to restore inflation losses to the base program and $2 million for the increased harvest initiative.

Our second item is a $225,000 request to start a two-year, independent assessment of our forests and the BIA management. We estimated that a comprehensive review of Indian forests nationwide will take about two years and a total of $450,000.

Mr. DICKS. Okay, your time has now expired. We'll have to put this all in the record. I'd like you to work with my staff on this and see what we can do.

Mr. MATT. Thank you, sir.

Mr. DICKS. Okay.

[The prepared statement of Mr. Matt follows:]

Intertribal Timber Council

BOARD OF DIRECTORS
President D. Fred Matt, Flathead; Vice-President Don Peasley, Colville; Secretary Elliott Moffett, Nez Perce; Treasurer Lawrence Waukau, Menominee; BOARD MEMBERS: Joe Delacruz, Quinault; Gary Kay, Makah Tribe; C. Dexter Gil, Navajo; Wilbur Gregg, Sr., White Mountain Apache; Zane Jackson, Warm Springs; W. Don Tahsuda, Yakima Indian Nation; C. Lawrence Blythe, Eastern Band of Cherokee Indians

MEMBER TRIBES
Bad River Band of Lake Superior Chippewas
Boss Forte Band of Chippewas
Cherokee Nation of Oklahoma
Coeur d Alene
Colville
Confederated Salish and Kootenai
Confederated Tribes of Grand Ronde
Copper River Native Association
Cow Creek Tribe
Eastern Band of Cherokee
Fond du Lac Forest County Potawatomi Community, Inc
Fort Belknap Indian Community Council
Gila River, Inc
Grand Portage
Haida Corp
Hoopa
Hualapai Tribe
Jicarilla Apache Tribe
Kalispel Tribe of Indians
Kaibab Havasu Corp
Kootenai Forest Products, Inc
Lac Courte Oreilles
Lac Du Flambeau Band of Lake Superior Chippewa Indians
Leech Lake Chippewas
Lummi
Makah
Menominee
Mescalero Indian Community
Minnesota Chippewa Tribe
Mississippi Band of Choctaw
Navajo Nation
Nez Perce
Northern Cheyenne
Pt. Jamestowlitz
Penobscot Nation
Quileute
Quinault
Red Lake Tribe
Rosebud Sioux Tribe
San Carlos Apache Tribe
Seminole
San Ox Te Ah
Stockbridge-Munsee
Tanana Chiefs Conference, Inc
Tonto Corp
Tongo & Haida Central Council
Tulalip
Tule River
Turtle Mountain
Umatilla
Warm Springs
White Earth Tribe
White Mountain Apache
Yakima

TESTIMONY OF D. FRED MATT, PRESIDENT,
INTERTRIBAL TIMBER COUNCIL,
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
FOR INTERIOR AND RELATED AGENCIES
ON FY 1991 BUREAU OF INDIAN AFFAIRS APPROPRIATIONS,
MARCH 19, 1990

Mr. Chairman, I am Fred Matt, President of the Intertribal Timber Council. I am here today with the following requests for the Fiscal Year 1991 B.I.A. Forestry budget:

- ADD $8.8 million for Timber Sales Management to Tribe/Agency Forestry, including $2 million for an increased harvest initiative,
- ADD $225,000 to Central Office Forestry to initiate a two year independent assessment of the status of Indian trust forest management,
- PROVIDE $1,000,000 to Central Office Forestry to continue management of Tribal woodlands.

The Intertribal Timber Council (I.T.C.) is a fourteen year old organization of sixty three timber-owning Tribes and Alaska Native organizations that collectively hold more than 90% of the 5.7 million commercial forest acres - and a substantial portion of the 9.5 million woodland acres - that are under B.I.A. trust management. The biological annual allowable cut off these trust lands is 1.03 billion board feet. The marketable annual allowable cut is 893 million board feet. In Alaska, timber from Native corporations and thousands of trust allotments perhaps produces a similar figure. To all of our membership, timber is the mainstay of our economies, and assuring its proper management and perpetuation is our foremost concern.

Mr. Chairman, it is a relative pleasure to appear before you today on a B.I.A. Forestry budget proposal that has not been sharply cut. In fact, with the exception of Woodlands, the B.I.A. Forestry budget has been proposed by the Administration at a level generally equal to that of the FY 1990 appropriation, and even contains very necessary increases of $2.04 million for special Forest Development and $300,000 for the special Forest Inventory and Plans program. The I.T.C. supports those necessary increases and requests they be retained in the final FY 1991 appropriation. However, despite those changes, the Bureau's Forestry budget has become seriously deficient in a function that is critical to proper management of our forest lands - timber sales management.

1.) ADD $8.8 MILLION TO TRIBE/AGENCY FORESTRY FOR TIMBER SALES MANAGEMENT

In FY 1978, responding to a deeply inadequate B.I.A. Forestry budget, Congress added $6.6 million and 262 permanent positions for

P.O. Box C • Warm Springs, OR 97761 • (503) 553-1061

BEST AVAILABLE COPY

Timber Sales Administration (TSA). When combined with an estimated $1.3 million for timber sales in the Administration's FY 1978 B.I.A. Forestry budget, the $6.6 million special TSA add-on produced a total timber sales administration appropriation of $7.9 million for FY 1978.

For FY 1979, total funding for timber sales administration increased to $9.0 million. Thereafter, from FY 1979 to FY 1991, as best we can identify it, total annual B.I.A. Forestry timber sales administration funding, including both the special TSA add-on and TSA in Tribe/Agency, has remained essentially flat at between $9 million and $10 million (FY 80: $9.1, FY 81: $9.2, FY 82: $9.7 est., FY 83: $9.2, FY 84: $9.9, FY 85: $10.6, FY 86: $10.2 est., FY 87: $8.0, FY 88: $8.0, FY 89: $9.7, FY 90: $10.0, FY 91: $10.0). Please note that, after FY 1986, timber sales administration became identified as "timber sales management" after being partially merged with Tribe/Agency Forestry.

From January, 1979 through January, 1990, the cost of living has gone up by 86.5%, so that the $9.0 million provided in FY 1979 would require an additional $7.785 million to achieve the same purchasing power today. Based on the $10 million requested for FY 1991, the I.T.C. therefore requests an increase of $6.785 million to bring B.I.A. timber sales management back to its FY 1979 level. Also, as discussed below, we request an additional $2 million for an increased harvest initiative, for a total of $8.8 million for FY 1991 timber sales management.

In support of the $6.8 million increase to off-set cost of living increases, we note that the March, 1990 update of the B.I.A.'s Forestry Funding and Position Analysis recommends that timber sales management be increased by $6.1 million and that forest archeological clearance funding, which is really a part of sales preparation, be increased by $1.3 million, for a total of $7.4 million to bring those functions up to "state-of-the-art".

In addition to the cost of living, the B.I.A. must also address the cost of career progression grade increases for its employees, which further diminishes the purchasing power of those funds. So, the available manpower to administer timber sales has been declining steadily since the early 1980s.

Moreover, during the intervening years, Federal and Tribal land administration requirements have increased. Complying with environmental laws, endangered species laws, and archeological protection laws has increased the workload for timber sales management. And both Tribally and nationally, the increasing emphasis on the multiple use aspects of forest lands is placing additional demands on a shrinking staff. So, not only has the number of B.I.A. foresters available for timber sales management declined, but their work requirements for processing each sale have gone up.

As a result, the Bureau of Indian Affairs has been increasingly unable to administer the full marketable annual allowable cut of approximately 8[illegible] million board feet off of Indian trust lands. B.I.A. Forestry estimated in April of 1989 that there is a 2.5 billion board foot harvest shortfall standing in Indian forests. In the Northwest, over the past 9 years, just 65% of the marketable AAC has been harvested. In the balance of the United States, only 53% of the Tribes' marketable AAC has been harvested over the last ten years. At a time when the timber market is as strong as it has ever been and there is a tremendous demand for timber, the B.I.A.'s inadequate manpower in timber sales management is actively preventing Tribes from placing significant volumes of their timber into the timber market, and so depriving Tribes of many millions of dollars of income. Such an impediment to the Tribes' realizing the full value of their trust timber resource verges on a violation of the Federal government's fiduciary responsibility to the Tribes.

Mr. Chairman, two examples of the inadequacy of B.I.A. Forestry funding

come from my own area. The first is my own Tribe, the Confederatd Salish and Kootenai Tribes of the Flathead Reservation in Montana. They need $130,000 in Forestry for FY 1991, $80,000 of which is for a general Forestry staffing restoration and $50,000 of which is for two additional timber sales personnel. The second is the Coeur D'Alene Tribe of Idaho, who are requesting $267,400 for restored Forestry staffing. Without substantial help, their harvest will have to be reduced.

In the B.I.A.'s harvest shortfall study, the Tribes identified an additional 650 million board feet that they would like to offer for sale over three years. This volume is over and above the Tribes' 893 million board foot marketable AAC. While the $6.8 million we are requesting for timber sales management would reinvigorate the Bureau's continuing requirements for that activity, the I.T.C. also requests an addition of $2 million to initiate a special effort to harvest the identified 650 million board feet of shortfall timber.

For the above reasons, we ask that $8.8 million be added to Tribe/Agency Forestry for timber sales management, so that those funds will go right to the reservations, where they will have the greatest usefulness.

2.) ADD $225,000 TO CENTRAL OFFICE FORESTRY TO INITIATE A TWO YEAR INDEPENDENT ASSESSMENT OF TRIBAL FORESTS

In May of 1988, the Bureau of Indian Affairs Division of Forestry released a "Forestry Program Funding and Staffing Analysis" for FY 1987. That study not only sought to determine the scope of the present B.I.A. Forestry program, where it spends its funding, and the personnel resources available to carry out the forestry mission, but also sought to determine "what additional funding and personnel will be required during the ensuing five year period (1988 - 1992) to provide state-of-the-art forest management services to the Indian forest owners."

Just last week, the Bureau completed an update of the Forestry Program Funding and Position Analysis, dated March, 1990, to cover the five year period 1992 - 1996. The updated version includes Forest Geographic Information Systems, Forest Archeology, Forest Roads Maintenance, and Woodland Management. The revised totals are a needed increase by 1996 of 881 personnel and $41.1 million in annual Forestry funding.

If correct, this analysis points out serious deficiencies growing in the B.I.A.'s trust management of Indian and Alaska Native forest lands.

Mr. Chairman, while the Bureau's Funding and Position Analysis is a very serious effort and is very informative, we are reluctant to unquestioningly accept its findings. After all, the report was done by the trustee itself. So, again this year, we are requesting $225,000 for a second opinion, for an independent analysis of the Bureau's management of our forests. The independent analysis we seek would not only double check the Bureau's findings on funding and staffing, but would, hopefully, also address the larger questions that are implicit but unanswered in the Bureau study: namely, the health and productive status of our forests themselves. If, as the Bureau study finds, B.I.A. funding and staffing have become grossly inadequate, there is a good possibility that our forest resources have become inadequately managed and perhaps fallen into substandard status.

The Tribes, as beneficiaries of the Federal government's trust management of a forest resource worth hundreds of millions of dollars, believe a periodic independent assessment of the conduct of the trust is a prudent and professional action. We hope the Federal executors of the trust would agree. The last time any examination of the B.I.A.'s trust forest management was

issued was in November of 1976 by the G.A.O. The G.A.O. is presently conducting an examination of B.I.A. Forestry, but that report is expected to basically update the 1976 report, and so may not address some of the fundamental questions about the status of our forests. The current G.A.O. review is expected to be finished in six months to a year. The last truly independent assessment was, we believe, conducted in 1968. We estimate a current independent assessment will take two years and cost approximately $450,000. Therefore, we request $225,000 for FY 1991 to initiate that review. Taken in conjunction with the B.I.A. Funding and Position Analysis and the to-be-released G.A.O. report, an independent assessment would give the Tribes, the Administration and the Congress a good picture of what the Federal trust obligations to our forests will require over the next decade.

3.) PROVIDE $1 MILLION TO B.I.A. FORESTRY FOR WOODLANDS MANAGEMENT

For FY 1990, the I.T.C. requested the addition of $1 million to the B.I.A. Forestry budget for the management of Tribal woodlands. Congress responded by providing $500,000 "to initiate a woodlands management program". Unfortunately, in FY 1991, the Administration proposes to eliminate the program, claiming that the funding was "a one-time add-on", that the Bureau has "implemented efforts to evaluate woodland and [woodland] marketing development projects" and that no additional funding is needed. This is being proposed even as the B.I.A. is presently hiring personnel to carry out the initiative.

Mr. Chairman, as you know, woodlands require on-going management, as do any valuable growing natural resource. Prior to the FY 1990 Congressional initiative on woodlands management, no resources were available for this task, even though, by memo dated August 10, 1987, B.I.A. Forestry has been given responsibility for properly administering the 8.4 million acres of woodlands trust resources. This resource generates an estimated $30 million in annual income or economic benefits to Tribes and cannot be ignored. As we did last year, the I.T.C. therefore requests that $1 million be provided for woodlands management, which would restore the $500,000 initiated in FY 1990 and add an equal amount to assure proper management.

In closing, the I.T.C. also wishes to express its support for Haskell Indian Junior College's request for $150,000 in the B.I.A. Natural Resources General budget to continue the Pre-Natural Resources Program there. Such efforts to get the Indian people involved in their natural resources at the college level are needed and should be supported.

We also wish to notify the Committee of an Interior Administrative Law Judge's ruling in Alaska that suggests that the Federal trust responsibility could extend to ANCSA lands. Should that be the case, we ask that the B.I.A. Forestry budget be adequately increased so that all parties receive appropriate trust coverage.

Thank you, Mr. Chairman.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

MARK A. MERCIER, CHAIRMAN, THE CONFEDERATED TRIBES OF THE GRAND RONDE

Mr. DICKS. Confederated Tribes of the Grand Ronde Community, Mark Mercier, chairman?

Mr. MERCIER. Good afternoon, Mr. Chairman.

Mr. DICKS. Welcome. We'll put your statement in the record, and you have five minutes to summarize it.

Mr. MERCIER. Okay. My name is Mark Mercier, chairman of the Confederated Tribes of Grand Ronde in western Oregon. I have two requests to make today. One is for the fiscal year 1991 BIA and IHS. For the BIA, social services tribe agency budget, we request $132,000 in appropriations for development and continuing operations of a tribal youth emergency shelter. In the IHS alcoholism budget, we request $150,000 appropriations for continuing operations for our youth drug and alcohol treatment center which we opened a year ago.

In 1983, through the enactment of the Grand Ronde Restoration Act, our tribe was restored to Federal recognition. From that time, we developed programs to meet the needs of our membership. Upon restoration, our BIA funding base was projected on the needs of 850 members. However, that funding has proven to be very inadequate since our actual population today is 1200 and lives throughout a six-county service area.

Additional needs have increased, and inflation has diminished the effectiveness of our funds. A large part of our population is our youth people up to 18 years old. They comprise 36 percent of our membership. We're struggling to meet increasing demands for specialized youth services and child protection, custody matters, foster home licensing, et cetera.

Unfortunately, our current social services funding base permits only two personnel. They handle all of our social service requirements, which isn't enough to address our large and increasing child protective service needs. For example, we have 61 active child welfare cases, 27 children in out-of-home placements, 6 identified as at immediate risk, and 5 more identified as moving toward intervention.

Since we don't have the staff to address all of these, virtually all of the child welfare activity is handled by the State of Oregon. We have almost no participation in the disposition of their welfare activities.

The State of Oregon does an absolutely lousy job of keeping Indian children within Indian foster parents. We simply can't leave them in the hands of the State any longer. Therefore, we request $132,000 to be added to the fiscal year 1991 BIA social service tribal agency budget on a recurring basis. Of these funds, $71,920 will provide three staff positions for youth protective services, including one to operate a tribal emergency shelter. The $60,800 bal-

ance will be to operate a youth emergency shelter and provide support services.

In 1988, with the request of the Portland Indian Health Service, in cooperation with the Oregon tribes, we developed and opened a youth treatment center for drug and alcohol abuse in Keizer, Oregon, which is two miles from the Chemawa Indian School. The name of that treatment center is "Nanitch Sahallie." It comes from our native tongue. It came about in response to the alarming high rate of substance abuse among our Indian youth and the lack of services available to treat this disease.

At Chemawa Indian School alone, 167 students were randomly tested for substance abuse or addictions, and over 50 percent of those tested positive and were recommended for treatment. Unfortunately, no services were available. The students needing the treatment couldn't get it.

Since then, we have acquired a 45-bed facility dedicated to the treatment of Indian kids with chemical addictions. We operate with an 86 percent completion rate. To see that the accomplishments made to individual clients are lasting, we propose to expand our program services to increase our family treatment services and after-care program, and to raise the average number of clients from 20 to 30.

We are currently funded for an annual client count of 200, and we believe we can increase this amount to 300 with the appropriate funding and staffing.

Even with the increase up to 300, with the estimated 100 served by the treatment center in Seattle, and possibly 450 to be served annually by the facility now planned by the Inland Tribal Consortium for Spokane, the IHS estimates that there are still 3,000 Indian youth needing annual treatment in the Northwest alone. So the need far outstrips even the planned capacity for this area.

Therefore, we request that $150,000 be added to the fiscal year 1991 IHS alcoholism budget for the Confederated Tribes of Grand Ronde Treatment Center named Nanitch Sahallie on a recurring basis. These funds include $83,080 for additional clinical staff, $30,000 for support costs, and $36,920 for family counseling.

I thank you for your time.

Mr. DICKS. Good. Thank you for your statement, and we appreciate your being here today.

[The prepared statement of Mr. Mercier follows:]

THE CONFEDERATED TRIBES
OF THE GRAND RONDE COMMUNITY
OF OREGON

TESTIMONY OF MARK A. MERCIER
TRIBAL CHAIRMAN
The Confederated Tribes of the Grand Ronde
Community of Oregon
regarding the FY 1991 B.I.A. and I.H.S. budgets
before the House Appropriations Subcommittee for the Interior,
March 14, 1990

My name is Mark Mercier, Chairman of the Confederated Tribes of the Grand Ronde Community of Oregon. I am making the following requests to the FY 1991 B.I.A. and I.H.S. proposed budgets:

- For the B.I.A. Social Services Tribe/Agency budget, we are requesting $132,000 in additional appropriations for development and continuing operations of a Tribal youth emergency shelter to provide protective services to our Tribal youth and support services for Tribal families.
- In the I.H.S. Alcoholism budget, we are requesting $150,000 in additional appropriations for continuing operations of the "Nanitch Sahallie" youth drug and alcohol treatment center.

B.I.A. Social Services Tribe/Agency • $ 132,000

In 1983,, through enactment of P.L. 98-165, the "Grand Ronde Restoration Act", our Tribe was restored to Federal recognition. From that time, we began to develop programs to meet the needs of out Tribal membership. Our B.I.A. funding base, upon restoration, was based upon the projected needs of an estimated Tribal population of about 850 members. However, that funding has proven to be very inadequate today, because our actual Tribal population today is 1,200 (which lives throughout a six county service area), additional needs have become evident, and because inflation has diminished the effectiveness of what funds we have.

In Grand Ronde, the largest part of our population is youth from the ages of one month to 18 years old. They comprise 36% of our membership. Consequently, we are struggling to meet increasing demands for specialized youth services in child protection, custody matters, foster home licensing, and child - family services for enhancement of a stable and functional Tribal community. Unfortunately, our current Social Services funding base only permits two personnel, who must handle all of our social service requirements for a six county population of 1,200. There simply are not personnel available to address our large and

UMPQUA
MOLALLA
ROGUE RIVER
KALAPUYA
CHASTA

PO BOX 38
GRAND RONDE, OREGON 97347
(503) 879-5211

increasing child protective services needs. For example, we currently have 61 active child welfare cases, with 27 children in out of home placements, 6 identified as at immediate risk, and 5 more identified as moving toward necessary intervention. However, because we do not have the staff to address this situation, virtually all of the child welfare activity among the Grand Ronde population is handled by the State of Oregon. We have almost no participation in the disposition of welfare activities for our own children. Mr. Chairman, our youth are our future, and we simply cannot leave them entirely in the hands of the State.

Therefore, we are requesting $132,000 be added to the FY 1991 B.I.A. Social Services Tribe/Agency budget for inclusion in the Grand Ronde Tribes funding base on a recurring basis. Of these funds, $71,920.00 will provide three staff positions (one to provide and coordinate youth protective services, one for case work and support services to families, and one to operate a Tribal emergency shelter. The $60,800.00 balance is to operate a Grand Ronde youth emergency shelter, and to provide support services for the youth services team members.

I.H.S. Alcoholism budget + $150,000

In 1988, at the request of the Portland Area Indian Health Service and in cooperation with the recognized Tribes of Oregon, the Grand Ronde Tribe developed and opened a Youth Treatment Center for Drug and Alcohol Abuse in Keizer, Oregon, just two miles from Chemewa Indian School.

The development of our youth substance abuse treatment center, named "Nanitch Sahallie", came about as a response to the alarming high rate of substance abuse among Indian youth, and the lack of existing services available to treat this disease, particularly programs which focused on the specific needs of Indian youth. At Chemawa Indian School alone, 167 students were randomly tested for substance abuse or chemical addictions, and over 50% of those students tested positive for substance abuse and were recommended for in-patient treatment services. Unfortunately, services were not available at that time to handle that type of volume. In fact, there was only one program in Oregon at that time which treated Indian youth specifically. That program, however, was limited to 10 adolescent clients and was experiencing programmatic and operational difficulties. The alternative services available were from private clinics where higher costs sharply limited the number of clients that could be treated. As a result, most of the students diagnosed as in need of residential drug/alcohol treatment could not get the necessary treatment.

Since then, however, the Grand Ronde Tribes have developed a fortyfive bed facility dedicated to the treatment of Indian youth with chemical addictions. Our program offers 30, 60, or 90 day residential component for up to twenty clients at once, and a 30 to 60 day transitional living component for up to 15 clients at

once. The transitional living component is available for clients who have completed treatment but need additional time before reintegrating back into their home or school environment. Additionally, we would like to offer a complete range of services for families involved with chemically addicted children to broaden the educational process and to create a greater support network for clients who have completed treatment by expanding our family and aftercare capabilities.

Currently, our program operates with an 86% completion rate, one of the highest in the Northwest. However, to compliment this and see that the accomplishments made to individual clients are lasting, we are proposing to expand our program services to increase our family treatment services and aftercare program and to raise the average number of clients from twenty to thirty. We are currently funded for an annual client count of 200, and we believe we can increase this amount to 300 with the appropriate funding and staffing.

Mr. Chairman, an increase of treatment capacity is vitally needed in the Northwest. Even if we were to go to 300 annual clients, and with an estimated 100 served by the treatment center in Seattle and a possible 450 to be served by the facility now being planned by the Inland Tribal Consortium for Spokane, the I.H.S. estimates that there are 3,000 Indian youth in need of residential treatment annually in the Northwest. The need far outstrips even the planned capacity for the area.

In addition to increasing our client load, we hope to make our program more effective with client follow-up and family support education and services. Without proper outreach and a comprehensive follow-up program, direct treatment results may be short-lived.

Therefore, we are requesting that $150,000 be added to the FY 1991 Indian Health Service Alcoholism budget for the Confederated Tribes of Grand Ronde "Nanitch Sahallie" Youth Treatment program on a recurring basis. These funds include $83,080.00 for additional clinical staff (a full time aftercare counselor and two additional home living attendants), $20,000.00 for support costs for those staff, $10,000.00 for contracted mental health and medical services, which are necessary services we have found not to be available from I.H.S. in a reasonable time, and $22,000.00 for a full-time family counselor with $14,920.00 in support costs for this position (a large part of which is for travel and communication).

Thank you, Mr. Chairman. That concludes my testimony.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

ELWOOD H. PATAWA, CHAIRMAN OF THE BOARD OF TRUSTEES, CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
ANTONE MINTHORN, CHAIRMAN OF THE GENERAL COUNCIL
RICK GAY, GRANTS AND CONTRACT OFFICER

Mr. DICKS. The Confederated Tribes of the Umatilla Indian Reservation, Elwood Patawa, chairman?

Welcome. Your entire statement will be placed in the record, and you have five minutes to summarize.

Mr. PATAWA. Mr. Chairman, I am Elwood Patawa, chairman of the board of trustees of the Confederated Tribes of the Umatilla Indian Reservation. With me today, on my right, is Antone Minthorn, chairman of the general council, and also Mr. Rick Gay, grants and contract officer.

Mr. DICKS. Welcome.

Mr. PATAWA. I want to thank you for this opportunity to provide our comments to you regarding the Bureau of Indian Affairs fiscal year 1991 budget proposal. I will keep my remarks short since our requests are outlined in the written testimony which has been submitted.

Mr. DICKS. It will be placed in the record.

Mr. PATAWA. A package containing more detailed information concerning many of our current activities and requests has also been provided.

Over the past several years, the Umatilla tribe has been striving to preserve and enhance the social, economic, and political security of tribal members and all reservation residents. The tribe strongly believes these efforts must be undertaken in a cooperative, rather than in a confrontational manner.

A prime example of this is the joint venture between the tribe and the Pendleton flour mills in the building and operation of a grain storage facility. This endeavor has enhanced not only the tribal economy, but also has contributed to the strengthening of the overall local economy.

Ever-increasing demands have been placed upon our tribal government to take on an active role in the preservation of our cultural heritage and treaty rights, both on and off the reservation. While the proposed budget maintains current base funding for tribal programs, this base has been stagnant for several years. The budget has not kept pace with the demands. This is especially true in the areas of natural resources—land, water, fisheries, use and management.

Our tribe has taken a lead role in working with various Federal, State, and local governmental agencies in development of forest plans, fish restoration, land use, as well as other areas. We are requesting that adequate funds be made available to continue these efforts. In the past you have provided support for some of our programs through congressional add-on funds to the BIA budget. We thank you for that support. We are requesting that in those areas

the funds become part of our permanent base funding, so that we are able to set long-range goals and make plans to attain these goals.

I am also troubled by the BIA's budget proposals in the area of education. Children from our reservation attend local public schools. The BIA is proposing cuts in the Johnson O'Malley adult basic education scholarships and adult vocational training to help fund the much-needed improvements to BIA-funded schools. While we are supportive of the improvements to BIA-funded schools, we oppose the reduction in funds which assist Indian children who receive their education through the local public school system.

In closing, Mr. Chairman, we again want to thank you for this Committee's past consideration and support.

Mr. DICKS. Excellent. I appreciate your testimony. As I said, we'll put it in the record.

Mr. PATAWA. Thank you.

Mr. DICKS. Thank you. We appreciate your being concise.

[The prepared statement of Mr. Patawa follows:]

Mr. Chairman, I am Elwood Patawa, Chairman of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). I want to thank you for the this opportunity to provide comments to the Appropriations Committee, Subcommittee on Interior and Related Agencies (Subcommittee) on the Bureau of Indian Affairs (BIA) fiscal year 1991 budget request of $1.7 billion.

I would like to make a few general comments about the BIA's FY 1991 proposed budget.

First: While the BIA budget is complex, it appears there is a general increase in the oversight/monitoring/program regulatory role for the BIA. It was my understanding that these activities would be reduced as a result of the recent amendments to the Indian Self Determination Act, P.L. 100-472.

Second: The BIA budget proposal combines funds that were available under the small tribes core management grants, self determination grants and training and technical assistance provided through the area offices into a single line item titled "Technical Assistance Grants" with no real increase provided. The CTUIR recommendation would be that the BIA provide for an actual increase in technical assistance funding. We request the Subcommittee

PROVIDE AN INCREASE OF AT LEAST 10% IN FUNDS APPROPRIATED FOR THESE TRAINING AND TECHNICAL ASSISTANCE GRANTS TO TRIBES IN FY 1991.

Third: One major problem experienced by the CTUIR in the operation of programs we have contracted under P.L. 93-638 is the erosion of the program funds due to inflation, especially in the area of personnel costs. The BIA annually adds funds to the base program for 638 pay cost increase, however this amount does not become a permanent part of the base funding. Also all employee fringe benefits, including retirement, are taken out of program funds. When the BIA operates a program the employee fringe benefits are not charged to the program allocation. There is a separate allocation of funds to cover the federal employees retirement fund costs. We request the Subcommittee

1.) AUTHORIZE AND DIRECT THE BIA TO ADD TO THE RECURRING BASE THE AMOUNT ALLOCATED FOR 638 PAY COST INCREASES DURING THE PRIOR FISCAL YEAR.
2.) AUTHORIZE AND DIRECT THE BIA TO ADD TO A TRIBE'S 638 CONTRACT AN AMOUNT OF FUNDS NECESSARY TO COVER THE TRIBE'S CONTRIBUTION TO EMPLOYEE RETIREMENT FUNDS.

I would now like to address some of the specific program concerns the CTUIR have with respect to the BIA budget proposal. I will attempt to outline the most important facts. Attached to the transcript of this testimony are more detailed issue papers which provide additional information regarding CTUIR programs.

Water Resources Management and Land Use Planning:

Improvements in land use and water use management and regulation will promote orderly economic development, wise management of natural resources and protection of the CTUIR political integrity and treaty rights. The CTUIR has determined that a minimum of $272,000 is required to meet the requirements of

an effective land and water use program. Currently, the base funding for the CTUIR through the BIA Water Resource Program is $100,200. Last year this Subcommittee added $150,000 to the budget for the CTUIR program. This amount was dropped from the final appropriations bill, although the BIA was directed to fund the additional amount from the water management line item. The BIA's FY 1991 budget request does not indicate that the additional funds will be provided for the continuation of the program. This makes planning for an ongoing, effective program virtually impossible. We request the Subcommittee

AUTHORIZE AND DIRECT THE BIA TO FUND THE CTUIR WATER RESOURCES CONTRACT IN THE AMOUNT OF $272,000 IN FY 1991, AND TO MAKE THESE FUNDS A PERMANENT PART OF THE BASE.

Fisheries Management:

The CTUIR is intimately involved in the restoration of the salmon and steelhead runs under the Northwest Power Act and is a party to the United States v Oregon including the resulting Columbia River Management Plan. The CTUIR is faced with the task of managing and coordinating harvest and enforcement, hatchery and natural production, habitat and watershed protection, and many cooperative rehabilitation projects with local, state and federal entities.

For the past two fiscal years (FY 89 & 90) a Congressional add-on was provided, making the total BIA support $100,000 per year. The FY 1991 proposed budget appears to only provide $50,000 for the Fisheries Management program, the same level as in 1982. The CTUIR has determined that our current minimum level of funding needed from the BIA to provide effective management of the fishery resources would be $265,000. This is an increase of $165,000 from what Congress appropriated in FY 1990. We request the Subcommittee

AUTHORIZE AND DIRECT THE BIA TO FUND THE CTUIR FISHERIES PROGRAM AT A LEVEL OF $265,000 IN FY 1991 AND MAKE THESE FUNDS A PERMANENT PART OF THE BASE FOR THE UMATILLA AGENCY.

The CTUIR has submitted a proposal to conduct a study to determine the types and level of toxic contamination occurring in the Columbia River Basin and fish resources above Bonneville Dam as part of the "Native American Fish and Wildlife Society Tribal Initiative for Fisheries and Wildlife Management Projects by Native American Governments" (Initiative). The Initiative would allow tribal governments access to the Federal Aid in Sport Fish & Wildlife Restoration Program for the first time. The CTUIR is in support of this Initiative and we request the Subcommittee

AUTHORIZE THE FUNDING OF THE NATIVE AMERICAN FISH AND WILDLIFE SOCIETY'S INITIATIVE THROUGH THE FEDERAL AID IN SPORT FISH & WILDLIFE RESTORATION PROGRAM.

Rights Protection Program

The CTUIR's current rights protection budget funds one staff person who is responsible for the protection of CTUIR rights on over 6.5 million acres of land ceded by the CTUIR in the 1855 Treaty. This staff person must coordinate with three National Forests and two Bureau of Land Management Districts. There are thirteen new wild and scenic rivers within the ceded areas. These

rivers contain over two-thirds of the CTUIR's anadromous fish producing rivers. The CTUIR has determined that to participate effectively in forest planning, fish habitat protection, deer and elk management and other required areas, a budget of $240,000 is required. We request the Subcommittee

AUTHORIZE AND DIRECT THE BIA TO FUND THE CTUIR RIGHTS PROTECTION PROGRAM AT A LEVEL OF $240,000 IN FY 1991 AND TO MAKE THESE FUNDS A PERMANENT PART OF THE BASE.

The CTUIR has found that the provision of the Congressional designated funds ($100,000 FY 89 & $200,000 FY 90) has allowed the CTUIR to have meaningful participation with the Columbia River Gorge Commission and has ensured the protection of CTUIR rights and interests in the Gorge. The BIA has included $100,000 in the FY 1991 budget to continue this activity. This level would severely hamper the on-going relationship and activities the CTUIR has established with respect to the Gorge Commission. We request the Subcommittee

AUTHORIZE AND DIRECT THE BIA TO FUND TRIBAL PARTICIPATION IN THE PLANNING DECISIONS FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA IN THE AMOUNT OF $200,000 IN FY 1991, SAID AMOUNT TO BE SHARED BY THE COLUMBIA RIVER TREATY TRIBES.

In FY 1990 Congress provided a $200,000 add-on to the BIA budget for the Wild and Scenic Rivers Act follow-up activities. This funding would allow the CTUIR to participate as Congress had intended in the follow-up activities. The BIA has not included any funding for Wild and Scenic Rivers Act activities in the FY 1991 budget. The CTUIR request the Subcommittee

AUTHORIZE AND DIRECT THE BIA TO FUND TRIBAL PARTICIPATION IN THE WILD AND SCENIC RIVERS ACT FOLLOW-UP ACTIVITIES IN THE AMOUNT OF $200,000 IN FY 1991, SAID AMOUNT TO BE SHARED BY THE COLUMBIA RIVER TREATY TRIBES.

Integrated Natural Resource Management:

Three years ago, the CTUIR prepared a proposal to develop an integrated ten year natural resources management plan for the Umatilla Indian Reservation. The CTUIR determined that completion of this project would take four years at the following cost: Year One - $100,000; Years Two through Four - $175,000 per year. The purpose of this proposal is to develop a plan for the reservation that will provide sustained benefit from the conservation and utilization of all natural resources. The CTUIR has been unsuccessful in obtaining funds from the BIA for this project for the past three years. It is our view that if a multi-resource management plan is not developed and implemented, management of natural resources will continue without a clear direction and conflicts between resource management priorities and resource users will increase. We request the Subcommittee

AUTHORIZE AND DIRECT THE BIA TO FUND THE CTUIR PROPOSAL FOR AN INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN FOR THE UMATILLA INDIAN RESERVATION BEGINNING IN FY 1991.

Education:

One of the most significant resources that our CTUIR has is the children and the importance of the education of the children cannot be understated. There is no BIA funded school on the Umatilla Reservation so the CTUIR depends upon the local public school systems for the education of Tribal children. The BIA FY 1991 budget indicates there is an overall increase in education of over $10 million. The entire increase is for the operation of BIA funded schools. There are decreases of $3.1 million in Johnson O'Malley; $1.5 million in Continuing Education; and $1.1 million in Tribe/Agency Operations. This does not include the $772,000 decrease in Adult Vocational Training funds. The rationale provided by the BIA is that school operations are a higher priority. Given the fact that only 11% of Indian students are served by BIA funded schools the CTUIR does not believe the recently documented problems occurring in BIA funded schools should be addressed at the expense of the education programs that serve the vast majority of Indian students. At current funding levels, the programs operated by the CTUIR under 638 contracts are struggling to serve half of the eligible population and the proposed funding decreases would further reduce this amount. We request the Subcommittee

1.) AUTHORIZE AND DIRECT THE BIA TO FUND THE JOHNSON O'MALLEY PROGRAM IN FY 1991 AT NO LESS THAN THE BASE AMOUNT OF $23,648,000.
2.) AUTHORIZE AND DIRECT THE BIA TO FUND THE TRIBAL/AGENCY OPERATIONS (SCHOLARSHIPS AND ADULT EDUCATION) IN FY 1991 AT NO LESS THAN THE BASE AMOUNT OF $32,220,000.
3.) AUTHORIZE AND DIRECT THE BIA TO FUND ADULT VOCATIONAL TRAINING IN FY 1991 AT NO LESS THAN THE BASE AMOUNT OF $17,688,000.

Law Enforcement

The CTUIR has been operating a law enforcement program since 1980. When the 638 contract was first entered into the department was housed in two rooms containing 672 square feet. The department is still in that same space even though there are now eight full time officers, five dispatchers and one administrative person. The CTUIR has determined its current space needs to be 6,200 square feet. The CTUIR submitted a proposal in 1982 to the BIA to build the required space. The proposal was ranked number one, however the CTUIR has not yet received funding. We request the Subcommittee

AUTHORIZE AND DIRECT THE BIA TO FUND THE CTUIR LAW ENFORCEMENT BUILDING IN THE AMOUNT OF $500,000 IN FY 1991.

Thank you again for this opportunity to appear before you to present some of the CTUIR's concerns regarding the BIA budget proposal which is before you. If we can be of any further assistance or provide additional information please contact Richard Gay, Grants/Contracts Officer (503)276-3018 or myself.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

ELWOOD MILLER, JR., CHAIRMAN, KLAMATH TRIBE
RANDY WILLIAMS, GENERAL MANAGER
CHARLES E. KIMBOL, ASSISTANT TO THE GENERAL MANAGER AND ASSISTANT TO THE GENERAL COUNSEL

Mr. DICKS. The Klamath tribe, Elwood Miller, Jr., chairman? Welcome.

Mr. MILLER. Good afternoon, Mr. Dicks. My name is Elwood Miller. I'm the chairman of the Klamath tribe. With me today I have Randy Williams, who is the general manager of the Klamath tribe, and Charlie Kimbol, who is the assistant to the general manager and assistant to the general counsel of the Klamath tribe.

I would like to begin today with our testimony with Mr. Williams starting off with the BIA direct service delivery funding.

Mr. DICKS. Okay.

Mr. WILLIAMS. Mr. Chairman, in fiscal year 1989 Congress approved a $1 million budget for the Klamath tribe's funding base IPS system. In fiscal year 1990, the BIA arbitrarily reduced our IPS base to $831,000, depositing $169,000 in the construction account for the Klamath tribe. The $1 million budget was established based on tribal population in Klamath County and was appropriated by Congress on our behalf.

As of February 14, 1990, the Klamath tribe's enrollment increased from 2,447 members to 2,597 members, with 1,379 living in Klamath County. The Klamath tribe requests that $169,000 be appropriated by Congress and put back in our IPS base in fiscal year 1991, bringing it back to the $1 million level Congress established in fiscal year 1989.

Expanded service area—The Klamath tribe formulated and conducted one of the most comprehensive needs assessments for our tribe in the State of Oregon that identifies 860 tribal members in 11 other counties. The survey data shows that 46.4 percent of those tribal members are unemployed and 60 percent of our households have incomes below the poverty level in those other 11 counties identified.

Restoration of the Klamath tribe was the intent of Congress to undo the socio-economic damage created by termination to our people. The Klamath tribe requests that Congress establish the tribe's expanded service area and appropriate $640,000 for direct services for those 860 tribal members added to our base in fiscal year 1991.

Indian Health Service—IHS authorized service——

Mr. DICKS. Now if you read this whole thing, it's going to take a lot more than five minutes. So, if you want to summarize some of these points, I would suggest that or else we'll have to tell you when your time's up.

Mr. WILLIAMS. Indian Health Service—we are requesting that Congress appropriate $1,350,000 to provide contract care to tribal members in our expanded service area and $84,000 to provide four

new CHR outreach positions to assist tribal members in that service area.

The written testimony reflects $1,350. It's actually $1,350,000.

Mr. DICKS. Yes, okay. We'll correct that.

Mr. MILLER. Mr. Dicks, the proposed budget I am submitting on behalf of the natural resources department is based on a large-scale involvement maintained by the tribe. Currently, cooperation exists between 7 national forests and 37 other State and Federal agencies. For fiscal year 1991, the Klamath tribe requests maintenance of the present funding level and allocation of additional funds to address program cost-of-living adjustments. Our program has maintained its objectives on a very limited budget, and yet tribal involvement has doubled over the last three years.

The native fisheries and watershed enhancement components are a vital part of the natural resource conservation program. The President's fiscal year 1991 rights protection budget has again been cut by $210,000 from our native fisheries program. These funds are essential to the maintenance of the tribe's treaty fisheries and have been cut because of a mistaken perception by the BIA central office that this funding should be provided to and by the U.S. Fish and Wildlife endangered species. In fiscal year 1988, 1989, and 1990, these funds have been utilized for a hatchery, a lake and watershed study for the management of fish species which are important to the tribe.

The tribe is requesting that the $210,000 cut by the President's budget be reinstated. We also request that Congress direct the Bureau of Indian Affairs to designate the $210,000 as an ongoing portion of our regular base conservation program, for a total base program of $526,000.

In the Klamath tribe's water adjudication, the Klamath tribe is in the State water adjudication of the former Klamath Indian reservation. The studies needed by the Department of Justice to file a water claim on behalf of the tribe in the Klamath River basin is very complex. The tribe is requesting $1,564,980 for the completion of the studies and $310,000 for tribal participation and oversight to be added to the BIA water budget for the Klamath tribe's water claim in fiscal year 1991.

A new program request—the Klamath tribe is requesting $203,000 for a game enforcement and rights protection program to develop and broaden the tribe's judicial system to work with Federal and State agencies for the protection of tribal treaty rights and archeological sites, to develop tribal ordinances for water codes and other tribal ordinances as needed for sound management for the Klamath tribe and its members.

BIA sub-agency—at our request, Congress funded the Klamath BIA subagency at a level of $250,000 for fiscal year 1989. The BIA central office has arbitrarily decreased the Klamath subagency funding to $175,000 in fiscal year 1990, inadequate funding to maintain the administration and staffing for the Klamath subagency. The Klamath tribe requests Congress to appropriate $75,000, bringing the subagency funding back to $250,000 base for fiscal year 1991.

The tribe is also requesting a one-time capital appropriation of $190,000 for purchasing facilities for programs and $50,000 for a radio system for natural resource and enforcement programs.

In closing, we would like to thank you for allowing the tribe to present its testimony.

Mr. DICKS. Thank you. We'll put your statement in the record.

[The prepared statement of Mr. Miller follows:]

FISCAL YEAR 1991 APPROPRIATIONS TESTIMONY

Elwood Miller, Jr.
Klamath Tribal Chairman
March 14, 1990

On August 27, 1986, P.L. 99-398 restored the Klamath Tribe as a federally recognized Tribe. In order to achieve that restoration, we had to convince Congress that thirty-two years of termination had left us worse off than when we were prior to termination. We did so.

BIA Direct Service Delivery Funding

In FY 89, Congress approved a $1 million dollar budget for the Klamath Tribe's funding base IPS system. In FY 90, the BIA arbitrarily reduced our IPS base to $831,000, depositing $169,000 in the construction account for the Klamath Tribe. The $1 million dollar budget was established based on Tribal population in Klamath County and was appropriated by Congress on our behalf.

As of February 14, 1990, the Klamath Tribe's enrollment increased from 2,447 members to 2,597 members, with 1,379 living in Klamath County. The Klamath Tribe requests that $169,000 be appropriated by Congress and put back in our IPS base in FY 1991, bringing it back to the $1 million dollar level Congress established in FY 1989.

Expanded Service Area

The Klamath Tribe formulated and conducted one of the most Comprehensive Needs Assessment (KTCNA) for our Tribe in the State of Oregon that identifies 860 Tribal members in eleven (11) other counties. The survey data shows that 46.4% of those Tribal members are unemployed and 60% of our households have incomes below the poverty level in those other eleven counties identified.

Restoration of the Klamath Tribe was the intent of Congress to undo the socio-economic damage created by Termination to our people. The Klamath Tribe requests that Congress establish the Tribe's expanded service area and appropriate $640,000 for direct services for those 860 Tribal members, added to our base in FY 1991.

Indian Health Service

IHS authorized service unit status to the Klamath Field Office in FY 89, and are currently providing funding for hospitals and clinics and contract health in our Klamath County service area. IHS provided part of the funding for the Comprehensive Needs Assessment (KTCNA) survey conducted in Oregon by the Tribe, which was completed in December of 1989 showing the health needs of our 860 Tribal members and their families in the Klamath Tribe's requested expanded service area are as great as the health needs in Klamath County.

Four long years have passed since the Klamath Tribe was restored and still no services are being provided to members in the outlying areas in the State of Oregon. The Klamath Tribe requests $1,350,000 to provide contract care to Tribal members in our expanded service area and $84,000 to provide four new CHR outreach positions to assist Tribal members in that service area.

Natural Resources

The proposed budget I am submitting on behalf of the Natural Resources Department is based on the large-scale involvement maintained by the Tribe. Currently, cooperation exists with seven National Forests and thirty seven other State and Federal agencies.

Maintenance of the Trust relationship between the Tribe and the United States is identified in the "Consent Decree" (Civil No. 73-155) which outlines Tribal responsibility through an agreement with the State of Oregon and the United States. The "Decree" requires a significant degree of interaction between agencies in order to manage and protect the reserved Treaty Rights of the Klamath Tribe.

The latest cooperative effort the Natural Resources Department has been involved in is the development of a computer model for mule deer which is being implemented throughout the State of Oregon. Currently, three National Forests and the Oregon Department of Fish & Wildlife are using the model, and have signed into a Memorandum of Understanding for maintenance and use of the model. Computer modeling is beneficial because it provides nearly instant evaluation of cumulative impacts for both terrestrial and aquatic systems. Computer modeling also allows for a common method of evaluation between various agencies.

For FY 91, the Klamath Tribe requests maintenance of the present funding level and allocation of additional funds to address program costs of living adjustments. Our program has maintained its objectives on a very limited budget and yet Tribal involvement has doubled over the last three years.

The Native fisheries and watershed enhancement component is a vital part of the Natural Resource Conservation Program. The President's FY 91 Rights Protection budget has again cut $210,000 from our Native fishery program. These funds are essential to the maintenance of the Tribe's Treaty Fishery, and have been cut because of mistaken perception by Central Office that this funding should be provided to and by U.S. Fish & Wildlife Endangered Species. In FY 88, FY 89, and FY 90, these funds have been utilized for a hatchery, lake and watershed studies for the management of fish species which are important to the Tribe.

The Tribe is requesting that the $210,000 cut by the President's budget be reinstated. We also request that Congress direct the Bureau of Indian Affairs to designate the $210,000 as an ongoing portion of our regular base Conservation Program, for a total base program of $526,000.

The Klamath Tribe must maintain its present activity level. We also must maintain existing liaison with the State of Oregon and the United States in order to comply with procedures in the State water adjudication process (mandated in U.S. vs. Adair). Quantification of enough water necessary for maintaining the Tribe's Treaty Rights requires extensive studies, as many complex water problems exist in the Klamath Basin.

Klamath Tribe -- Water Adjudication

The Klamath Tribe is in the State Water Adjudication of the former Klamath Indian Reservation. The studies needed by the Department of Justice to file a water claim on behalf of the Tribe in the Klamath River basin is very complex. The Tribe is requesting $1,564,980 for the completion of the studies and $310,000 for Tribal participation and oversight be added to the BIA water budget for the Klamath Tribe's water claim in FY 1991.

New Program Request

The Klamath Tribe is requesting $203,000 for a Game Enforcement and Right Protection Program to develop and broaden the Tribe's Judicial System to work with Federal and State agencies for the protection of Tribal Treaty Rights and archaeological sites. To develop Tribal ordinances for Water Codes, and other Tribal ordinances as needed for sound management for the Klamath Tribe and its members.

BIA Sub-Agency

At our request Congress funded the Klamath BIA Sub-Agency at a level of $250,000 for FY 89. The BIA central office has arbitrarily decreased the Klamath Sub-Agency funding to $175,000 in FY 90, inadequate funding to maintain the administration and staffing for the Klamath Sub-Agency. The Klamath Tribe requests Congress to appropriate $75,000 bringing the Sub-Agency funding back to $250,000 base in FY 1991.

Capital One-Time Request

The Tribe is also requesting a one-time capital appropriation of $190,000 for purchasing facilities for programs, and $50,000 for a radio system for the Natural Resource and Enforcement Programs.

In closing our testimony, we would like to thank you for allowing the Klamath Tribe to present our concerns.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

ALLEN PINKHAM, CHAIRMAN, NEZ PERCE TRIBE
JOANN KAUFFMAN

Mr. DICKS. Nez Perce tribe, Allen Pinkham, chairman?

Welcome.

Mr. PINKHAM. My name is Allen Pinkham. I'm the chairman of the Nez Perce tribal executive committee. I appreciate the opportunity to come before this Committee to provide our views on appropriations.

Mr. DICKS. We'll put your entire statement in the record, and you have five minutes to summarize.

Mr. PINKHAM. We have prepared and submitted written testimony that summarizes our request to this Subcommittee for appropriation actions. We are prepared to submit any additional information and documentation that you may desire with regard to any of these requests.

Since most of the requests this Subcommittee receives are for additional monies, in part our request is true, but with some innovations. We have provided you with information about office buildings for the Bureau of Indian Affairs and the Indian Health Service on the Nez Perce reservation. We have a map that we'd like to show you very briefly on some of the recent construction of IHS facilities.

While I can attempt to describe the conditions of these buildings, the problems they suffer from can only fully be appreciated by personal inspection. The lack of these facilities in the case of the Indian Health Service impairs the quality of health care that is provided to Indian people on our reservation.

The Nez Perce tribe is willing to take the initiative and finance and design and construct these facilities, and we ask only that those agencies be directed to negotiate with and enter into a lease with us for those facilities, and thereafter to adequately staff and equip them.

In anticipating the question of whether this will result in an increased cost to these Federal agencies, I would point out that the building currently occupied by BIA has been provided to them at no cost for well over 50 years, but we're willing to go in and identify the yearly cost of their budget for the building, if necessary.

In reviewing the needs outlined in our statement, you can see that while most needs are in natural resources, they exist only in a considerable number of program areas. Consequently, it is difficult for me to say to you that the Nez Perce tribe has one single program priority that can be addressed through appropriations. We suspect that this situation is common. It appears to us there is an underlying problem that this Subcommittee should investigate and consider in the appropriation process.

We submit a study of funding levels of Indian programs over the past 15 to 20 years that would reveal that the number of dollars appropriated annually have increased. However, we submit that an analysis of the actual buying power of those dollars over that time period would show a constant decrease in level of actual buying power.

The problem this situation poses is complex and has directed impacts upon many programs that are essential to our tribal existence as well as to our physical, economic, and legal well being. It appears that there is a continual, constant, and overall decline in support provided to the Indian programs which, if continued, will inevitably lead to the loss of tribal rights and damage to tribal structures.

No place is this more evident than in the situation we find ourselves in regard to water rights. The number and scope of major actions to litigate or negotiate Indian water rights in the recent past has increased dramatically over recent years. That increase was caused largely by the position of the Federal Government that encourages conclusive settlement of water rights issues. We are involved in the adjudication of water rights in the Snake River system that was initiated by the State of Idaho in 1987. We were assured that the United States, as a party to that case that represented our interest as trustee, would have the funds to undertake the technical and legal work required to fully and adequately represent our interest.

Mr. DICKS. You have one minute here to finish.

Mr. PINKHAM. To make it very short then, the priority is water litigation and negotiation funding. It also is across the board for other programs. I guess initially our most important request for us to you would be for this Subcommittee to direct BIA and IHS to enter into a lease agreement on the construction of the new facilities for BIA and IHS. That would be our priority at this time.

Mr. DICKS. Okay, good.

Mr. PINKHAM. I thank you for the opportunity to be here.

Mr. DICKS. You have a very good advisor with you.

Mr. PINKHAM. Well, we brought her along just in case.

Mr. DICKS. Yes, she's well trained.

Mr. PINKHAM. Good to see you again.

[The prepared statement of Mr. Pinkham follows:]

TESTIMONY

NEZ PERCE TRIBE

HOUSE SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

COMMITTEE ON APPROPRIATIONS

MARCH 14, 1990

The Nez Perce Tribe is a sovereign nation that looks forward to the government-to-government relationship. This relationship has been established by past legal and historical events and the past administration. The key element is the trust responsibility that exists between the Nez Perce Tribe and the Federal Government. As the Tribe strives for self-sufficiency under the current federal structure, the importance of the funding of the Bureau of Indian Affairs cannot be overemphasized. This is clearly evident as up to eighty percent of the Tribe's annual budget are forestry and agricultural related revenues.

OFFICE FACILITIES

Bureau of Indian Affairs

The Nez Perce Tribe has set a high priority on the design and construction of a 11,000 square foot office building that will house the staff of the Northern Idaho Agency, Bureau of Indian Affairs (BIA). The facilities currently in use were constructed in the early 1900's for use as a tuberculosis sanatorium. The building was later deeded to the Lapwai School District and leased to the BIA at no cost for over fifty (50) years. This building is now in need of major repair and has been condemned for any educational uses. The construction of a replacement facility will be financed by the Nez Perce Tribe.

APPROPRIATION REQUEST: The Nez Perce Tribe requests that Congress direct and authorize the Bureau of Indian Affairs to cooperatively work, and enter into a lease agreement, with the Nez Perce Tribe for a building for office space for the Northern Idaho Agency (BIA) and, to fully staff and equip the new facilities.

Indian Health Service

The Indian Health Service has provided direct outpatient care to members of our tribe since 1970 from a one story brick facility originally built by the BIA for office space. The facility has been classified as "inadequate" by IHS and is out of

compliance with fire, safety and quality of care standards. Some funds were identified to remedy some of these problems in 1988 but no repairs have been made and, even if all repairs were made, the facility is still inadequate by IHS definition. The facility has been nominated by the Area Office several times for replacement under the National Facility Replacement Priority List. The lack of progress definitely impacts the quality of health care provided to tribal members and jeopardizes their well being. The only avenue left to the Nez Perce Tribe to correct this deficiency as soon as possible is to take direct action to design and construct a suitable facility for the Indian Health Services programs on the Nez Perce Reservation. Initial indications are that a 22,000 square foot building will be required and that the cost of design and construction will be approximately 3.1 million dollars. The cost of design and construction will be financed by the Nez Perce Tribe.

APPROPRIATION REQUEST: The Nez Perce Tribe requests that Congress authorize and direct the IHS to cooperatively work, and to enter into a lease, with the Nez Perce Tribe for a building for clinic and office facilities on the Nez Perce Reservation and to fully staff and equip the new facilities.

NATURAL RESOURCES

Forestry

The "Forestry Program Funding and Position Analysis (FY 87)" is a document developed by the BIA, Division of Forestry, (Washington, D.C.) The main purpose of the analysis is to provide preparation of more accurate and effective budget justifications. The projections of personnel and funding is for a five year period. Each division of the BIA should be required to complete such an analysis. The analysis will serve as an effective planning tool for both the Tribe and the BIA. Therefore, the Nez Perce Tribe recommends that each division of the BIA implement the analysis and provide a copy to the Tribes for review and consultation.

APPROPRIATION REQUEST: The Nez Perce Tribe requests that Congress authorize and direct the BIA to increase the budget of the NP Forestry Program by $470,000 as calculated by BIA methods.

Agriculture

The agricultural lands are also a concern. The Nez Perce Tribe has requested additional funds to provide for lease monitoring and compliance on the Nez Perce Reservation. The Nez Perce Tribe requires the additional funds to provide for lease monitoring and compliance. This process will increase the land lease revenue as generated by the agricultural lands and also protect the land for the future generations of the Nez Perce Tribe. It is estimated that a 15% increase of lease revenues per

annum could be realized due to a more concerted effort in the lease and monitoring compliance activities.

APPROPRIATION REQUEST: The Nez Perce Tribe requests that Congress authorize and direct the BIA to increase the budget of the BIA Land Operations by $200,000.

Water

The Nez Perce Tribe is now in the second year of the adjudication of water rights in the Snake River basin - probably one of the largest water rights adjudications in history. At the present time we are operating our tribal water department on adjudication funds provided through the BIA as part of the adjudication process. The need for a tribal water management program now and especially after the conclusion of the adjudication is obvious. Water is a critical resource and our reservation includes large portions of one of the largest Rivers in the northwest as well as valuable fisheries resources. Under the current situation all available funding for our tribal water office will terminate when the water adjudication is submitted for negotiation or litigation. We cannot have the important functions performed by the tribal water resources office ended then. Their role will really just be beginning. We have an urgent need for support funds to be appropriated and included as part of the BIA budget for the Nez Perce Tribe. An appropriation for this purpose, included in the BIA budget, would allow us to manage and protect our water resources into the future.

APPROPRIATION REQUEST: The Nez Perce Tribe requests that Congress provide $245,000 for addition to the Bureau of Indian Affairs Water Resources budget and direct that that amount be added to the BIA budget as a line item for the Northern Idaho Agency and earmarked for a 638 contract with the Nez Perce Tribe.

Water Adjudication

The State of Idaho has commenced a general stream adjudication of water rights in the Snake River. This will have the effect of quantifying our water rights under the Winters doctrine. By a court filing deadline of 1992 we must submit our claims to the Court. The BIA has hired experts who are working to determine the amount of water necessary to fulfill the purposes of our reservation and to fulfill other treaty reserved rights. Their ability to complete their work by the impending deadline is critical. The BIA also provides funding for our legal representation and oversight experts who provide direct assistance to us in evaluating claims and preparing for negotiation or litigation. Continued full support is essential to insure tribal interests are adequately safeguarded and represented.

APPROPRIATION REQUEST: Insure that the BIA has available for the Nez Perce Tribe, a minimum, 1.1 million dollars for fisheries and practicably irrigable acreage studies, $185,000 for attorney assistance and $225,000 for oversight experts in FY 91.

Fisheries

In the area of fisheries management the Nez Perce Tribe have undertaken an aggressive profile in the restoration of anadromous salmonids in the Idaho and Oregon headwaters. The Tribe has targeted natural and artificial production and supplementation as its priorities for restoring and managing productive fisheries once again. Comprehensive plans designed to achieve these goals have been finalized.

APPROPRIATION REQUEST: The Nez Perce Tribe urges Congress to increase the Bureau of Indian Affairs budget appropriations for fisheries by $3,620,000.00 for these purposes.

TRUST RESPONSIBILITY

Trust Funds

The contract with the Security Pacific Bank for the management of tribal and Indian individual trust funds is a matter of concern. The BIA is required to audit and reconcile the trust accounts and account for such funds prior to the implementation of the contract. The Nez Perce Tribe opposes the contract as the accounts have never been fully audited and reconciled. Therefore, the "problem" will be transferred via the award of the contract. The funds necessary for the full and thorough audit and reconciliation of the trust accounts must be appropriated. In this way, the Tribe will have the necessary information for effective and efficient management decisions.

APPROPRIATION REQUEST: The Nez Perce Tribe requests that Congress authorize and direct the BIA to audit and reconcile each account (both Tribal and individual) before transfer to the contractors.

Litigation Support

At the present, we are party to proceedings before the Federal Energy Regulatory Commission. Bonneville Power Administration has joined those proceedings and will oppose us in a preliminary licensing proceeding that is critical to our economic development of on reservation water resources. At the same time, we are engaged in litigation with the U.S. Army Corps of Engineers over a 3,000 year old Nez Perce village site on the reservation where they intend to construct a fish hatchery. These cases involve expert witnesses, technical research and studies as well as extensive staff time. In both of these case we must proceed without assistance or representation by our

trustee and, in fact, we must proceed against our trustee. We see this pattern increasing, not decreasing, in the future. In order to meet these challenges and protect our tribal interests litigation support funds are becoming increasingly necessary. The cost of litigating these issues cannot and should not be borne alone by the tribe.

APPROPRIATION REQUEST: The Nez Perce Tribe requests that annual litigation support funds be provided to the Tribe at an annual level of $175,000 for the next ten year period.

ECONOMIC DEVELOPMENT

Indian Business Development Program

The area of economic development will provide the long-term solutions to develop the base economy of the Nez Perce Tribe. It has been proposed that the Indian Business Development Program grants will be reduced for FY 90. The Nez Perce Tribe does not have the capital resources to provide equity capital for economic development. Also, in most cases, a financial analysis does provide evidence that equity capital provides more financial impact than a guaranteed loan program. The equity capital does enhance the feasibility of a project.

APPROPRIATION REQUEST: The Nez Perce Tribe requests that Congress authorize the grants line item of the BIA budget an increase of $3,000,000.

LAW AND ORDER

The Anti-Drug Abuse Act of 1986 was enacted and does provide for a coordinated strategy to combat substance abuse on the Nez Perce Reservation. The problem however, is in the funding for the implementation and technical assistance to develop the "Tribal Action Plan" of the Tribe. The Tribal Action Plan is very important since the Tribe must develop a TAP to be eligible to receive funding authorized by the Act. The act specifically delegates certain responsibilities to the BIA. The funding commitments that were included in the 1989 budget did not meet the responsibilities as provided in the Act. The substance abuse occurring on the Nez Perce Reservation and others, as well as in the general community, is certainly documented. The other area of concern is the adoption of state standards in the areas of social services. The Nez Perce Tribe does maintain that the TAP will provide for the development of standards.

APPROPRIATION REQUEST: The Nez Perce Tribe requests that Congress authorize and direct the BIA and IHS to provide technical assistance to develop and implement the TAP on the Nez Perce Reservation.

Law Enforcement

The mention of drug abuse raises the issue of law enforcement. The Nez Perce Reservation is very large, extending into four counties and encompassing many small municipalities. The law enforcement services now provided by the BIA totals six officers to cover this area on a twenty-four hour basis. We find ourselves frequently thwarted in the implementation of new ideas because of inadequate enforcement services. For example, enactment of a comprehensive fish and wildlife code to protect tribal fish and game resources on the reservation and to provide tribal income from licensing hunting and fishing activities is unrealistic without adequate enforcement capability. Needless to say it is insufficient and the law enforcement program lacks credibility within the community. That credibility, including credibility with other law enforcement agencies in the area, we view as a critical first step. The lives and property of reservation residents as well as the peace of the reservation cannot be protected with this critical program at this level. There is an urgent need to provide Indian tribes with the law enforcement services they need to provide, at least, a minimum level of protection.

APPROPRIATION REQUEST: The Nez Perce Tribe requests that Congress direct and authorize the BIA to fund the Tribal Court of the NP Tribe an additional $100,000 and the BIA Law Enforcement Program an additional $300,000.

638 CONTRACTS

The contract support fund for 1990 will be at the same level as 1989. For 1990, those funds are 35.3% of direct contract and grant funds. Our proposed rate was 42.3% but it was decreased primarily due to a theoretical over recovery of indirect funds. The decision was made by the BIA Inspector General's Office in determining what contract and grants would be considered in determining what our over recovery actually was. Contract support funds are only used in determining administration cost associated with contracts and grants. There are many costs that cannot be included in a Tribe's indirect cost proposal, a mechanism needs to be established by the federal government to cover these costs in order for us to achieve and maintain our overall goal of self-government.

APPROPRIATION REQUESTS: The Nez Perce Tribe requests that Congress direct and authorize the BIA to increase the contract support line item to provide funds for approved indirect cost rates of the Nez Perce Tribe.

CONCLUSION

Another area of concern is the required consultation wit the Nez Perce Tribe with respect to the 1990 budget. The BIA must continue to coordinate with the Tribe with respect to the

band-analysis (IPS), especially in light of the PL 100-472, Indian Self Determination Act Amendments. The drafting and promulgation of regulations for implementation is crucial. The Tribe is determined to provide input to define the process as Congress has intended.

In the final analysis, the federal government must provide adequate funding to preserve the trust responsibility of the BIA and the federal agencies. The Tribe will continue to maintain and expand the self-government concept. There is, however, no ultimate goal of 100% self-sufficiency. A balance of revenues to provide for essential governmental services is the order of the future.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

PAT WYASKET, EXECUTIVE DIRECTOR, UTE INDIAN TRIBE
H. JAY GROWES, ASSISTANT EXECUTIVE DIRECTOR

Mr. DICKS. Ute Indian tribe, Luke Duncan, chairman, and Pat Wyasket, executive director?

Welcome. We'll put your complete statement in the record, and you have five minutes to summarize.

Mr. WYASKET. Mr. Duncan was not able to make it. I have my assistant, Mr. Jay Growes, assistant executive director, here.

Mr. DICKS. All right, good. You're Pat——

Mr. WYASKET. Wyasket.

Mr. DICKS. Good to have you here.

Mr. WYASKET. Thank you. We appreciate the time to express our concerns for some requests that we're making.

We are asking for three requests. One is for a permanent budget adjustment for the Bureau of Indian Affairs law enforcement for fiscal year 1991 and henceforth, and a one-time basis only of 10 police cars for BIA law enforcement, and a request for a permanent budget augmentation for the tribal BIA Public Law 93-638 social services contract. We think our requests are modest, but these needs have to be met.

Mr. Jay Growes will give you some justifications for our requests.

Mr. DICKS. Okay.

Mr. GROWES. I appreciate that, Mr. Chairman. I hope the weather is indicative of what will come out of it. Last year it was winter and cold and icy, and today is balmy and warm and 85 out there.

Mr. DICKS. It looks real nice, doesn't it? [Laughter.]

Mr. GROWES. I hope you will follow.

As other tribes have expressed to you, we would like to express some of ours. Our tribe has doubled in the last two years. Also, our land base has also doubled in two years, going from 2 million acres to 4 million acres. So, our jurisdiction is a lot larger now. It's gone from going across one direction at pretty close to 70 miles and then going north and south 100 miles. We cover about four different counties with this.

We haven't put this in our statement. Also, we would like to address the IHS also on our reservation. We did not put this in our statement, but we would like to for the record.

Mr. DICKS. Yes, please do.

[Material was not submitted to the Subcommittee at the time of printing.]

Mr. GROWES. Also, because of the closeness of the urban areas, we have the influx of many different tribes coming and using our clinic. We are very underfunded. Reviewing over the past three to four years, our funding has continued to be reduced over the years. This is our second attempt for Mr. Wyasket and I to come before you, and we appreciate this opportunity. We appreciate speaking with you.

We have also instituted a study to re-examine where the tribe is going into the nineties, and hopefully we will be able to present to you in the coming years a better road map of where we're going to be going.

Mr. DICKS. So you're doing a plan for the tribe's future?

Mr. GROWES. Yes.

Mr. DICKS. That's a good idea. Do you get any help from BIA on that or do you have to do it out of your own resources?

Mr. GROWES. No, we've done this by ourselves.

Mr. DICKS. Well, it's still a good idea. I think having a plan of sorts gives you something to discuss and make some decisions on.

Mr. GROWES. That's right.

I would also like to invite you to our reservation sometime when you come by.

Mr. DICKS. I appreciate that.

Mr. GROWES. We may take you fishing.

Mr. DICKS. I love to go fishing. That's fun.

Mr. GROWES. Thank you very much.

[The prepared statement of the Ute Indian tribe follows:]

Ute Indian Tribe
Uintah and Ouray Reservation
Fort Duchesne, Utah 84026

Because of the serious gravity of many multifaceted problems, the Ute Indian Tribe located on the Uintah and Ouray Indian Reservation in the Northeastern section of the State of Utah, requests the following:

(1) 280,000.00 permanent budget increase for B.I.A. law enforcement for FY 91 and henceforth, (2) 216,000.00 on a one time basis only for ten new police cars for B.I.A. law enforcement, and (3) $75,000.00 permanent budget augmentation for the Tribal B.I.A. FY 93-638 social services contract. The total request for FY 91 is $571,000.00 and 555,000.00 for FY 92 and henceforth in budget increases.

Request #1:
The Bureau of Indian Affairs was requested to assume full management and supervision of law enforcement in 1985, but unfortunately were inadequately funded to fill all the required positions. The reservation was certified for thirteen (13) police officers, two (2) sergeants and one (1) captain are hired--not even half of what is required to safeguard and protect our people. Despite severe financial reverses, the Tribe has recognized the seriousness of the situation and has sacrifices to support five additional officers, but probably will not be able to continue this in the future, so we can foresee a crisis. Even now, at best, we suffer because in several communities it takes as long as an hour to respond to life threatening emergencies. With 280,000.00 we can hire the required nine (9) police officers and one (1) additional sergeant plus have money for specialized training, etc. These people deserve better service.

Request #2:
The present police vehicles are all old 1986 models and eight of them have almost 120,000 miles--twice the mileage recommended for immediate replacement. Since the reservation has seven communities spread out within a forty (40) mile diameter, adequate coverage requires a lot of traveling. The older vehicles waste a lot of money in upkeep and maintenance costs reducing an already inadequate budget and inhibit better or efficient management of precious resources. Thus, we are requesting money to replace ten (10) vehicles at an estimated $18,000.00 each. We will also need two (2) additional cars for additional officers. This total request will be $216,000.00.

Request #3:
Because of the disturbing high number of crimes and disproportionate number of social problems that exist, which are not adequately addressed because of limited money, we are asking that the Tribe's B.I.A. PL 93-638 social services department receive a $75,000.00 budget augmentation on a permanent basis to hire additional workers to meet the needs of a people who are suffering inordinate legal, social and family problems.

Justification for Requests:
A number of environmental changes have seriously impacted the Tribe all within the past five years: (1) increased Tribal enrollment (the Tribe literally more than doubled in size from 1,500 to over 3,500), (2) a significant loss in Tribal revenues and resources for solving problems because of an oil depressed economy, (3) the resultant serious reduction in Tribal per capita dividends from $400.00 a month to about $125.00 financially hurt most Tribal members especially those who became dependent on this money for basic necessities, (4) a severe cutback in law enforcement personnel as a result of a retroactive back to the Bureau of Indian Affairs (this meant the loss of half (1/2) of the officers to adequately serve and protect the people, and (5) an increase of the reservation jurisdiction boundaries from about 1.5 million acres to over four (4) million (over twice the original size).

Add to this a disproportionate child placement problem as illustrated by the following: three (3) full-time social workers are needed to serve about 3,500 members of the Tribe, with two workers handle all the needs of a white population of over 21,000. That means proportionally we are ten (10) times worse. Such disparity reflects our great need for help, but it is only part of the picture. Our unemployment rate is about seventy (70) percent or is five (5) times worse than the national average for American Indians nationally. As a comparison, astonishingly, this is two (2) times as bad as the worst point of suffering American experienced in the Great Depression of the 1930's. Our increasing and disproportionate crime rate goes hand in hand with the fact that a recent Tribal survey of our youth reveals that we are two(2) to fourteen (14) times worse than the national average in the abuses of alcohol and various drugs. We are also the worst in the State of Utah and worst in Duchesne and Uintah Counties. We have, in fact, a more serious substance abuse problem that all other Native Americans in the State. To more graphically show how much this abuse really hurts us or reflects the pain and anguish, we experience, consider how young our people are dying which is a loss that deeply hurts many lives.

You see, the average death rate is shockingly low! Our people are dying at the age of forty-five (45) while the white community lives to seventy-five (75) and beyond. That's a loss of over thirty (30) years, mostly due to unnatural causes; such as problems with the abuse of chemicals, illegal drugs and alcohol.

The rising generation needs your help just to have a fighting chance at what life can offer them. It is unfair we should suffer so without major intervention. It is astonishing that so few have even noticed our plight. And we believe our request is a reasonable and yet modest.

Despite obvious problems, according to the Bureau of Indian Affairs, "Resource Allocation Effectiveness Study," completed in 1989, the Uintah and Ouray Agency on our reservation only gets one half (1/2) of the money considered comparibly fair and equitible. In fact, of all the B.I.A. agencies in the Phoenix Area Office, we have the greatest disparity between the money we should receive and the amount we actually get. We deserve a better shake. As a result of this injustice to our people, we suffer unnecessarily from lack of revenue to run an adequate police force and social service department to combat the serious problems that we must cope with on a daily basis.

If we are ever going to make inroads into these serious problems we will need more help than we are getting. Tribal revenues are so low, we may not be able to continue to maintain essential programs. The bottom line is we want to combat these problems, and we are optimistic that we can effectively do so; but your help is critical to our success. We are confident, however, that when the full weight and gravity of our problems are weighted in the balance, you will assist us. Thank you.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

LINDSEY MANNING, TRIBAL PLANNER, SHOSHONE-PAIUTE TRIBES, DUCK VALLEY RESERVATION

Mr. DICKS. We have the Shoshone-Paiute tribes. Lindsey Manning, the tribal planner, is here to testify.

We'll put your entire statement in the record and give you five minutes to summarize.

Mr. MANNING. Okay, thank you, Mr. Chairman. I'm here on behalf of our tribal chairman, Jim Paiva, who was unable to make it.

Mr. DICKS. We're glad you could.

Mr. MANNING. Thank you.

We are requesting specific funding for the Shoshone-Paiute tribes of Duck Valley through the Department of the Interior, Bureau of Indian Affairs, Division of Water Resources Management, Planning and Development, and Water Rights Litigation and Negotiations. Specifically, we are requesting for adequate tribal participation funds in the amount of $380,000 for professional services and $90,500 for direct tribal participation in this funding cycle for the adjudication of our water rights.

We are also asking for an increase of the given overall BIA budget allocations for water rights protection which has experienced devastating cuts during the last two years of our involvement. We are requesting fisheries and wildlife funding for resource management and mitigation in the amount of $100,000. Also requested is funding to upgrade our irrigation system with betterment and rehabilitation in the amount of $2.07 million annually for a three-year period.

Mr. DICKS. Why have you been cut back on your water rights money?

Mr. MANNING. Well, the Shoshone-Paiute tribes are a few drum beats behind the other tribes in the Snake River water adjudication.

Mr. DICKS. So, they took your money and moved it over somewhere else because they were further down the road?

Mr. MANNING. Yes, they have been cut. The water rights resources management and development had a $9 million allocation, but the requests were $18 million. They had a request for $18 million.

Mr. DICKS. Then they had to prioritize amongst who——

Mr. MANNING. Right. Now it's down to $3 million. So, we're asking for an increase in that.

Mr. DICKS. Because we've increased the amount of money—I think this committee has increased the amount of money for that area.

Mr. MANNING. Good. Right now the deadlines are fast approaching and we need these funds.

We're optimistic that we'll be treated fairly. Presently, we are entering into negotiations with officials from the State of Idaho

and Nevada to determine equitable distribution of the scarce water resource of the region. We feel that we will be properly represented in this ever-lasting determination as long as we are provided proper funding resources to adequately address and study the factors and variables of water rights determinations.

The tribes are without revenues of our own to confront this endeavor. In fact, besides our underdeveloped land base, we are one of the poorest tribes of the United States. We have been identified as one of the most arid Indian reservations of the West.

We have recently officially asked Secretary of the Interior Lujan to appoint on our behalf a Federal water rights negotiations team to begin strategic discussions with the States of Idaho and Nevada. The quantification of the water rights for that valley is complicated by several factors. Among them are that three States are involved: Idaho, Nevada, and Oregon.

The other part of our testimony asks for increases in development. From November 1987 through May 1989, the BIA, through a consulting firm, developed a plan for the rehabilitation and betterment of the Duck Valley Irrigation Project. This project would upgrade the existing system and provide canal service to the 4,300 acres. Benefits from the project would be increased crop yields through a more timely and efficient application of the water. The tribes of the valley have been consulted and reconsulted. We have been studied and restudied.

We now feel that development money is needed. Current irrigatable land base at Duck Valley is limited, and agricultural options for our young are severely restricted. We now have the plan in hand. The Duck Valley Rehabilitation and Betterment Project would cost approximately $6.2 million over a three-year period. We know that waste of the scarce water resource by poor and obsolete systems is not the proper usage.

The other part of the request is asking for $100,000 to help us hire the experts and legal counsel and support the tribal personnel in mitigating our fish and wildlife loss—

Mr. DICKS. Okay.

Mr. MANNING [continuing]. By the Northwest Power Planning Act.

What also isn't in this testimony is that we're involved in the demonstration of self-governance direct funding leading into what has been scoped out as new federalism by the Senate Select Committee on Investigations. We'd like to voice support for that and continued funding for that demonstration.

Mr. DICKS. Okay. Thank you for your statement.

Mr. MANNING. Thank you.

[The prepared statement of Mr. Manning follows:]

P.O. Box 219 Owyhee, Nevada 89832-0219 (702) 757-3161

March 14, 1990

TO: U.S. House of Representative
Chairman Congressman Yates
Appropriations Subcommittee
for the Interior and Related Agencies

RE: Appropriation Hearing Testimony
Shoshone-Paiute Tribes of Duck Valley
Funding Request

BY: Lindsey Manning, Tribal Planner
On behalf of James Paiva, Tribal Chairman

Thank you very much for the opportunity to be heard. We are requesting specific funding for the Shoshone-Paiute Tribes of Duck Valley through the Department of the Interior, Bureau of Indian Affairs, Divisions of Water Resources Management, Planning & Development, and Water Rights Litigation & Negotiations. Specifically we are requesting for adequate Tribal participation funds in the amount of $380,000 for Professional Services (Attorney and Expert Services) and $90,500 for direct Tribal Participation in this funding cycle for the adjudication of our water rights. We are also asking for an increase of the given overall BIA Budget allocations for water rights protection which has experienced devastating cuts during the last two years of our involvement. We are requesting fisheries and wildlife funding for resource management and mitigation in the amount of $100,000. Also requested is funding to upgrade our irrigation system with betterments and rehabilitation in the amount of 2.07 million annually for a three year period.

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation of Idaho and Nevada are presently poising to determine the water rights and growth potentials of our people for all time under a McCarran Amendment Water Adjudication. The Snake River Water Adjudication was initiated by the state of Idaho, reaches into Nevada and greatly impacts the future of the Tribes at Duck

Valley. We were placed on this arid Reservation in 1877 and agreed to give up our nomadic life-style and become farmers and ranchers. The Owyhee River crosses through the middle of our Reservation, it is a tributary to the Snake River and is the life blood of our land and people. Our several bands relinquished millions of acres of land in Idaho and Nevada with both ratified and un-ratified Treaties to allow for the peaceful settlement of the west along the California and Oregon Trails. The Snake River was originally known as the Shoshone River until changed by strategic historians. We were then and we are now expecting that adequate water and resources be available for our people to exist with proper dignities.

We are optimistic that we will be treated fairly under the prevailing laws of this great country. Presently we are entering into negotiations with officials from the states of Idaho and Nevada to determine the equitable distribution of the scarce water resource of the region. We feel that we will be properly represented in this ever lasting determination as long as we are provided the proper funding resources to adequately address and study the factors and variables of water rights determinations. The Tribes of Duck Valley are without revenues of our own to properly confront this endeavor. In fact, besides our underdeveloped land base, we are one of the poorest tribes of the United States. We have been identified as one of the most arid Indian Reservations in the West. We have recently officially asked Secretary of the Interior Lujan to appoint on our behalf a Federal Water Right Negotiation Team to begin strategic discussions with the States of Idaho and Nevada. We are almost sure that lengthy litigation can be avoided should we be able to conduct meaningful negotiations with all parties involved.

The quantification of the water rights for the Duck Valley Indian Reservation is complicated by several factors, among them are that three states (Idaho, Nevada & Oregon) are involved and hold an interest in the Owyhee River System along with the Shoshone-Paiute Tribes and the United States. Unfortunately the protection of the Duck Valley Water Rights have received little attention and very little funding. The Duck Valley Tribes endorse the Administration's policy of settling our water rights by negotiation but we have not had sufficient funds to engage in meaningful negotiations. The protection of the water rights at Duck Valley from incursions by other users, special interests and suspect claimants to the water has been given very low priority until recently by the federal government and especially the given states involved. The Tribes have always been advised by the BIA in the past that our water was protected by the federal government and that we did not have to file claims with the state, therefore our resistance to state involvement has been

30-252 O—90——12

steadfast, now in the fourth quarter of the game we are being told to file a claim with the states and to quantify our water through their state courts. By the McCarran Amendment our rights to the water quantity needed for our survival will be determined with or without our involvement by our Trust Agent because of the prevailing laws made by Congress. We are now asking from Congress the proper considerations to effectively proceed along the given means and become involved further. States have long been opposed, to greater and lesser extents, to the natural resource rights of neighboring Indian Tribes. Seems we have been continually compromised in dwindling episodes throughout history. Our wetlands are being dried up, our water is increasingly diverted and our other rights, which are still intact, are annually assaulted by individual interests of self-indulgence and personal gain characters.

The lack of protection of Duck Valley's water right is probably most obvious in the loss of water to our wetlands. Impounded water does not allow proper flow to reach our wetlands because nothing runs over the spillways of the upstream millionaire rancher. Blue Creek, on the Idaho side of the reservation, is one of the largest natural wetlands of the inter-mountain west. Pristine waters would normally provide year round habitats for water fowl and other water animals. The beautiful body of wetlands at Blue Creek have annually decreased because nothing is allowed over the high spillways of the upstream impoundment reservoirs except for what is released through the headgates to irrigate the fields of the upstream non-Indian individual. We are experiencing losses which grow annually.

The ranching and farming done on the Duck Valley Reservation is exclusively individual Indian operations. Throughout the years farmers have raised hay and grain crops. From spring to fall the cattle graze on the range land. A large amount of hay is needed to feed livestock over the long demanding winters. The first efforts by the Indian to irrigate at Duck Valley took place in the mid to late 1800's and in 1901 to 1903 the first large scale irrigation project was undertake by the U.S. Government. Through out the later years the irrigation system has been pieced together by different development projects with engineering provided by the given BIA personnel of the era. From November 1987 through May of 1989 the BIA through a consulting firm developed a plan for the rehabilitation and betterment of the Duck Valley Irrigation Project. This project would upgrade the existing system and provide canal service to 4,300 acres. Benefits of the project would be increased crop yields through a more timely and efficient application of the water. The Tribes at Duck Valley have been consulted and re-consulted, we now feel development money is needed. The current irrigable land base at Duck Valley is limited and agricultural options for our young

people are severely restricted. We now have the plan in hand. We strongly urge the implementation of the Rehabilitation and Betterment of the Duck Valley Irrigation Project which would cost approximately 6.2 million (1987 dollars) over a three year period. We know that the waste of the scare water resource by poor and obsolete systems is not the proper usage.

As the direct result of the Pacific Northwest Electrical Power Planning and Conservation Act, the Shoshone-Paiute Tribes of Duck Valley have been afforded the opportunity to mitigate the loss of the fish and wildlife as the result of power project construction which dammed the Columbia River System. We are now entering the process to mitigate a solution to the loss and also to participate in the Federal Energy Relicensing (FERC) process. This involves both the Bonneville Power Administration and the Idaho Power Company. These processes are time consuming and costly for the Tribes. Since the Duck Valley Indian Reservation is within the Columbia River Water Basin we requested our fisheries program activities be handled out of the Portland BIA Area Office. Both the Phoenix and Portland Area Offices are working to that end and Portland has programed $45,000 into their fiscal request for a fisheries biologist position on the Reservation. We hope this personnel can be realized so that our existing fisheries can be developed to their optimum and that we can deal with the historic mitigation issues we now face. We are specifically requesting for the Shoshone-Paiute Tribes of Duck Valley $100,000 to support the existing tribal staff along with consulting services & legal counsel to help us deal with the refined issues of fisheries and wildlife mitigation.

In summary and in closing to our request for specific funding for the proper water rights protection and developments on the Duck Valley Indian Reservation, I would like to mention that the Duck Valley Indian Reservation valley floor elevation is at 5,400 feet above sea level, we have a annual growing season of 90 to 100 days, we are extremely isolated in the west's forgotten corner of Nevada, Idaho and Oregon, we are 100 miles in any direction from any community over our 1800 population. We are the majority on this high plateau and have been for many years. All of our reservation land is held in trust status by the federal government and we have both benefited by the relationship and experienced encroachments upon our water resources.

Regardless of the different relationships we've had to experience through the decades we remain optimistic that we will be treated fairly and properly by this government and that we can secure a beneficial future for our children and unborn. Thank you for the opportunity to be here today.

God Bless America

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

MICHAEL PABLO, CHAIRMAN, THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD NATION

ANTOINE INCASHOLA, TRIBAL COUNCIL

DANIEL DECKER, TRIBAL ATTORNEY

Mr. DICKS. The Confederated Salish and Kootenai tribes of the Flathead Nation, Michael Pablo, chairman?

We will put your entire statement in the record, and you have five minutes to summarize.

Mr. PABLO. Thank you, Mr. Chairman. I'm Michael Pablo, chairman of the Confederated Salish and Kootenai tribes. With me today is Tony Incashola, tribal council, and on my left is Dan Decker, tribal attorney.

First, we appreciate the opportunity to visit with you and wish to take this opportunity to thank the Committee for making the Administration realize that they need to budget for fire suppression.

Mr. DICKS. Good. I'm glad we did something.

Mr. PABLO. Mr. Chairman, our first item of testimony is that we oppose the transfer of the BIA's safety of dams and irrigation programs to the Bureau of Reclamation. Also, we oppose the proposed transfer of 15 FTEs and $326,000 from the Bureau of Indian Affairs Irrigation and Engineering over to the Bureau of Reclamation. We've got a problem with Reclamation.

Mr. DICKS. Okay.

Mr. PABLO. In agricultural services, we request $183,390 to be added to the base. Since 1940, we have had a tribal realty program. We're not going to discontinue funding of our tribal program. We're looking for an integrated plan with the BIA and the tribe; we'll fund our share.

Since 1982, the BIA's approximately 40,000 acres behind in getting tribal purchases conveyed from fee to trust status, and they are over 5,000 status reports behind in getting that work done.

For tribal forestry—excuse me, for BIA forest we request $130,000 to be added to the Flathead Agency BIA forestry. With those dollars, we'd be able to keep on staff the present sales personnel and we'd also be able to add two additional people. Thus, we'd be able to increase our annual allowable cut to get up to take care of the market conditions.

In water management, we have a $333,905 request. We oppose the $2.5 million reduction in BIA's water resource program.

Education—pursuant to section 5119 of Public Law 100-297, we request a demonstration grant of $140,000 to coordinate all education programs on our reservation.

Contract health services—we don't have a direct service unit on the reservation. What we've done is gone through and taken the surgeries that are needed by tribal members that are on the list from the Indian Health Service unit. In the waiting list for surgeries, we need $800,000, and they're already in a $400,000 deficit on our reservation. To bring everything up to speed, it's $1.2 million.

Many times they will tell an individual you're not serious enough to have surgery when a minor surgery may handle it; then when something happens, they may spend many, many more times again the amount.

We have a base funding request for self-governance programs, total amount, $2,293,368 for Bureau of Indian Affairs. Many of these dollars are now being made up by tribal dollars to get the Bureau up to speed and get these services that are needed.

For IHS, we request $291,000 for health administration, health education, and medical social work. We'll be sending more information for the file.

[Material was not supplied to the Subcommittee at the time of printing.]

Mr. DICKS. Good. Thank you. That's an excellent statement and very succinct. We appreciate that.

Mr. PABLO. Thank you, Mr. Chairman.

[The prepared statement of Mr. Pablo follows:]

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P. O. Box 278
Pablo, Montana 59855
(406) 675-2700
Fax (406) 675-2806

Joseph E. Dupuis - Executive Secretary
Vera L. Chambers - Executive Treasurer
Bernice Houghton - Sergeant-at-Arms

TRIBAL COUNCIL MEMBERS
Michael T. "Mickey" Pablo - Chairman
Lawrence Kennedy - Vice Chairman
Elmer "Sonny" Morigeau Jr. - Secretary
Joe Dog Eagleman - Treasurer
Louis Adams
Lloyd Irvine
Patrick Lefthand
Henry "Hank" Saylor
Antoine "Tony" Incashola
John "Chris" Lozeau

TESTIMONY OF MICHAEL T. PABLO
TRIBAL CHAIRMAN OF THE CONFEDERATED SALISH AND
KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

MARCH 14, 1990

The Confederated Salish and Kootenai Tribes of the Flathead Nation are pleased to submit testimony on the Bureau of Indian Affairs FY '91 budget. The Flathead Nation respectfully urges the Congress to consider the following recommendations in your review of the FY91 budget:

(Oppose Transfer of the BIA's Safety of Dams and Irrigation Engineering and Supervision Funding to the Bureau of Reclamation). The Flathead Nation joins the House Committee on Interior and Insular Affairs, the Senate Select Committee on Indian Affairs, the National Tribal Chairman's Association and the Affiliated Tribes of Northwest Indians in opposing transfer of the BIA's Safety of Dams program to the Bureau of Reclamation (BOR). The Department of Interior acts in bad faith by first contracting with the Flathead Nation for its Safety of Dams program and then--after the contract is well underway--seeking to transfer funding and jurisdiction to the BOR. To add insult to injury, the President's FY91 budget proposes to transfer $326,000--15 FTE's--of the BIA's Irrigation and Engineering Supervision funding to the BOR. The combined effect of the SOD/Irrigation funding transfer to BOR is nothing less than a broadside attack by the BOR to take over Indian irrigation projects. The Flathead Nation was not consulted prior to the Department of Interior's decision to transfer funding for these programs to BOR.

Moreover, the Flathead Nation (and other Indian Tribes in the West, such as the Pyramid Lake Paiute and the Hoopa Indian Tribe) have found that the BOR is not respectful of tribal treaty rights and at times acts as an advocate for non-Indian interests seeking to exploit tribal reserved rights. The Tribes are alarmed that the FY91 President's budget proposes to "zero out" BIA's Safety of Dams funding for 1991 and transfer all funding for that program to the BOR. The BIA's SOD program should be funded in the amount of $9.1 million--the amount the Interior Department proposes to spend on BIA dams in FY91--and the $326,000 (15 FTE

positions) for Irrigation Engineering and Supervision should be retained by the BIA.

Twelve of the top 150 most hazardous dams in the nation (ranked by the Interior Dams Safety Task Force) are Flathead dams. One-fourth of the BIA's forty most hazardous dams are Flathead dams. Recognizing that these dams pose a direct threat to life and property on the Flathead Reservation, the Tribes contracted with the BIA under Public Law 93-638 to manage the Flathead Safety of Dams program. That 638 contract commenced on March 1, 1989 and extends through December 31, 1991, and the Tribes intend to renew the contract at that time. Funding of the Tribes' Safety Of Dams program for 1991 will provide for field investigation programs, deficiency verification analysis, installation of early warning systems, and conceptual designs at several dams. These activities are part of an action plan prepared to systematically correct the deficiencies and safety hazards at the dams.

(**Agriculture/Real Estate Services--$183,390**). Since the 1940's, the Tribes have supplemented the Flathead Agency's real estate and agricultural services programs by financing a separate tribal program. For example, in the last five years the Tribes have spent over $990,000 on those services. Due to funding and staffing shortages the BIA still can not keep up with real estate transactions on the Flathead Reservation. Since 1982, approximately 40,000 acres of tribal land purchases have not been conveyed from fee to trust status and approximately 5,000 title status reports remain incomplete and uncertified. In seeking the $183,390 addition to the Flathead Agency base, the Tribes do not plan to reduce the tribal supplement. Instead, under a 638 contract, we intend to create an integrated tribal/federal program funded by tribal and BIA funds. In order to accomplish the scope of work and objectives in this 638 contract (including completing the back-logged real estate transactions), the tentative Flathead Agency base for FY91 ($408,000) would need to be increased by $183,390. We therefore request establishing a new base of $591,390 for the Flathead Agency's FY91 budget for this program.

(**Forestry--$130,000**). In 1988, a total of 985 full and part time jobs (591 Indians, 394 non-Indians) and over $17 million in earned wages and benefits were realized in western Montana from tribal timber harvests. The Tribes request a $130,000 addition to the FY91 Flathead Agency Forestry budget. $80,000 of this is needed to maintain the present staff to prevent a reduction in force; the remaining $50,000 would increase the present Forestry staff by two positions. The two new positions would allow for an additional 3.9 million board feet harvest and produce an additional $420,147 for the Tribes. Increased funding would create 49 additional jobs producing $837,000 in earned wages and benefits. With the additional funding requested, Forestry could prepare and administer 38.4 million board feet of harvest. This harvesting goal has been established by the Tribes to take advantage of the present high timber market.

(Water management--$333,905--Oppose Proposed $2.5 million Reduction in BIA's Water Resource Programs). The Tribes request $333,905 to continue a core surface water monitoring network; to maintain the existing network of approximately 70 recording and non-recording ground water monitoring wells; to continue to analyze the hydrologic field data collected during FY90; to continue to operate and upgrade snow measurement sites; and to continue to investigate all new water uses on the Reservation. The Tribal Water Management program is an on-going program that allows the Tribes to professionally manage Reservation water resources. Furthermore, the Tribes oppose the proposed reduction of $2.5 million in the BIA's Water Resource Program. This program has proved instrumental to many programs around the country, including Flathead, by providing invaluable assistance to Tribes in the development, assessment, and management of their water.

(Education--$140,000). The Flathead Nation is committed to quality education programs on the Reservation. Existing educational programs on the Reservation include: Salish Kootenai College, Two Eagle River School, Higher Education Grants, Adult Vocational Training, Johnson O'Malley programs, Head Start Centers, Federal Impact Aid Funding Coordination, and eight public school districts on the Reservation. Pursuant to Section 5119 of Public Law 100-297, the Tribes seek to establish a Tribal Department of Education. Creation of this new department is needed to better coordinate these diverse programs and to maximize resources. The request for $140,000 as an "add on" is for the specific purpose of developing a Tribal Department of Education.

(Contract Health Services--$1.2 million). Unlike any other reservation similar in population, the availability of Indian Health Services (IHS) on our reservation is solely dependent on the availability of Contract Health Services (CHS) funding. We have no hospitals or physicians on staff, so all inpatient and outpatient services must be purchased through the CHS program.

Since the beginning of this fiscal year, CHS expenditures have been limited to emergency cases only, yet the budget already shows nearly a $300,000 deficit. During this same time the backlog of unmet surgery needs topped the $800,000 mark. Indian Health Service allocations of CHS funding from reservation to reservation continually fail to take into account the uniqueness of our sole dependency on contract funding. Therefore we respectfully request an add-on to our CHS budget to cover the projected $400,000 emergency only deficit and the $800,000 unmet surgery backlog for a total of $1,200,000.

(Base Funding for Self-Governance Programs). When Congress passed the 1975 Indian Self-Determination Act, the Flathead Nation was one of the first Tribes to begin contracting and managing certain BIA and IHS programs for the benefit of our people. Two years ago, when this Committee assisted in creating

the opportunity for a few Tribes to explore the next steps of self-determination, we became one of the original ten Self-Governance Demonstration Tribes.

While we have always been strong proponents of Self Determination and now Self-Governance, our enthusiasm for moving forward has been sharply curtailed by the reality of rapidly declining federal support funding for such efforts. In just the last five fiscal years alone we have found it necessary to spend nearly $2.5 million in Tribal dollars to merely sustain minimally satisfactory service levels for just three federal programs contracted under P.L. 93-638: Wildlife Management, Law and Order, and Court services.

In addition, we have identified seven other self determination contracts in the critical program areas of Health, Education, and Child Welfare that will require supplemental funding under the President's FY91 Budget.

If self-governance is to be a reality, it must become affordable. In the absence of congressional support for our efforts to date, we fall prey to BIA and IHS funding allocation shortfalls as we have in the past.

The concept of self-governance rings hollow unless a minimum base funding level is established. Therefore, we respectfully request that base funding for the Flathead Reservation be established in FY91 for the following programs as follows:

BIA:	FY 90 Present Funding	Request
Court	45,500	490,778
Law & Order	283,000	660,608
Social Services:		
Child Protection/ Intervention	197,800	446,152
Education:		
Higher Education	129,000	296,900
Adult Vocation Training	121,900	146,650
Johnson O'Malley	71,780	83,680
Wildlife	53,000	168,600
IHS:		
Health Administration	70,000	130,000
Health Education	41,000	51,000
Medical Social Work	75,000	110,000

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

ERNEST HOUSE, SR., UTE MOUNTAIN UTE TRIBE
RAY KOGOVSEK

Mr. DICKS. The Ute Mountain Ute tribe, Ernest House?

We're also glad that you've chosen wisely one of our former colleagues, who's been a good friend of mine and someone who knows a lot about this committee.

Mr. KOGOVSEK. Mr. Chairman, thank you for those nice remarks. I have with me today Mr. Ernest House. We will be brief. I know that there's a vote going on and that you'll want to probably make that.

Mr. DICKS. We're going to be all right. We'll do this one.

Mr. KOGOVSEK. We wanted to thank you for the Committee's past generosity, especially last year in helping us with the Colorado Indian water rights settlement, as far as the generosity of your Committee.

Mr. House wants to bring to your attention briefly this afternoon a special project related to that settlement.

Mr. DICKS. Okay.

Mr. HOUSE. Thank you, Mr. Chairman and members of the committee.

My name is Ernest House, Sr. I am representing the Ute Mountain Ute tribal council. I am pleased to inform you that for the first time since our reservation was established my people are able to go to the kitchen sink and get clean drinking water. We also have a firm water supply for the commercial and industrial development that we are actively going after.

The water for irrigation and municipal and industrial use is coming from the Dolores project as a part of the Colorado Indian water rights settlement. The progress that we have made toward enjoying the benefits of this settlement is in large amount due to the support of this Committee.

Mr. Chairman, the settlement calls for $19.5 million to be placed in economic development trust funds for the Ute Mountain Southern Ute tribe in fiscal year 1990. When this commitment didn't appear in the 1990 administrative budget, you and the Committee made sure that the funds were appropriated. Thanks to your show of good faith, the $15 million in economic development trust fund that the settlement called for in fiscal year 1992 are in the administrative budget. We thank the Administration and ask your support in appropriating the budgeted amount.

Mr. Chairman, I need to call upon you and the Committee once again to help bring the promised benefits of the settlement to my people. As you know, we will not be able to utilize any of our economic development funds until fiscal year 1992. In the meantime, construction continues on the Dolores project irrigation canal which will deliver water to us in 1993. My biggest nightmare is a canal that stops on the reservation without us having our farm-

lands developed. This project means many jobs for my people and a permanent and renewable source of income for the tribe.

We are repeatedly requesting planning and development funds for our Dolores project lands through the Bureau of Indian Affairs, but our requests have never appeared in the Administration budget. It was you and the Committee, Mr. Chairman, that kept the progress of our on-farm designs on target with the Reclamation's scheduled water deliveries when you appropriated $530,000 for this purpose in fiscal year 1990. I thank you for this crucial support.

In fiscal year 1991, we will begin construction on our irrigation facilities. The Interior Committee, in their views and estimates, has recognized the importance of this project to our economic development future and recommended $3 million in 1991. This will allow us to begin to access roads and land preparation so that we can begin installing sprinklers in 1992 to be ready to irrigate in 1993. I ask your support in appropriating the recommended $3 million.

Mr. Chairman, thank you and the committee for the key role that you have played in our water rights settlement and our progress toward realizing the timely development of our Dolores project irrigation water. We appreciate your ongoing support.

Mr. DICKS. Well, we appreciate all the hard work you have done to formulate this settlement. Having had a major settlement in my own part of the country, I understand and appreciate how important it is to you, and we'll see what we can do to help you this year.

Mr. HOUSE. I appreciate it. Thank you.

Mr. KOGOVSEK. Thank you, Mr. Chairman.

Mr. DICKS. It's good to see you.

[The prepared statement of Mr. House follows:]

TESTIMONY OF ERNEST HOUSE, SR., UTE MOUNTAIN UTE TRIBAL COUNCILMAN

Chairman Yates, and Members of the Committee, my name is Ernest House, and I am here representing the Ute Mountain Ute Tribal Council.

I am pleased to inform you that, for the first time since our Reservation was established, my people are able to go to the kitchen sink and get a clean drink of water. We also have a firm water supply for the commercial and industrial development that we are actively going after.

I can look up the Valley north of our Reservation, and see the irrigation canal being constructed that will bring irrigation water to 8,000 acres of Tribal land beginning in 1993. I can remember my Grandfather, Chief Jack House, telling me as a boy that someday an irrigation canal would be built that would transform our land. My grandfather's dream is becoming a reality.

This water for irrigation and municipal and industrial use is coming from the Dolores Project as a part of the "Colorado Ute Indian Water Rights Settlement." The progress that we have made towards enjoying the benefits of our settlement is, in large measure, due to the support of this Committee.

For example, Mr. Chairman, the Settlement called for $19.5 million to be placed in economic development trust funds for the Ute Mountain and Southern Ute Tribes in Fiscal Year 1990. When this commitment didn't appear in the 1990 Administration budget, you and the Committee made sure that the funds were appropriated.

Thanks to your show of good faith, the $15 million in economic development trust funds that the Settlement calls for in Fiscal Year 1992 are in the Administration budget. We thank the Administration and ask your support appropriating the budgeted amount.

Mr. Chairman, I need to call on you and the committee once again to help bring the promised benefits of the Settlement to my people. As you know, we will not be able to utilize any of our economic development fund until it is entirely appropri-

ated in Fiscal Year 1992, and all other steps resulting in finality of the agreement are in place, which will probably be 1993.

In the meantime, construction continues on the Dolores Project irrigation canal which will deliver water to us in 1993. My biggest nightmare is a canal that stops on the Reservation without us having our farm lands developed. This project means fifty badly needed jobs for my people and a permanent and renewable source of income for the Tribe which is crucial to our economic future.

We have repeatedly requested planning and development funds for our Dolores Project lands through the Bureau of Indian Affairs, but our requests have never appeared in the Administration budget. It was you and the Committee, Mr. Chairman, that kept the progress of our on-farm designs on target with Reclamation's scheduled water deliveries when you appropriated $530,000 for this purpose in Fiscal Year 1990. I want to thank you for this critical support.

In Fiscal Year 1991, we must begin construction on our irrigation facilities. The Interior Committee in their "Views and Estimates", has recognized the importance of this project to our economic future and are recommending three million dollars in 1991. This will allow us to begin access roads and land preparation so that we can begin installing sprinklers in 1992 to be ready to irrigate in 1993. I ask your support in appropriating the recommended $3 million.

Let me conclude by saying that the Tribe established the Ute Mountain, Farm and Ranch Enterprise in 1986 to plan and develop the Dolores Project. We have been able to put together a top notch team of people that are doing solid technical work and systematically training our Tribal people to assume major roles in the development and operation of the project.

The credibility that the Farm and Ranch Enterprise has established has resulted in close working relationships with Reclamation in coordinating canal and on-farm designs. The Tribe is also making progress in establishing ourselves as major players in the agricultural future of our region. I am submitting an article from the "Colorado Rancher and Farmer" with my testimony which provides an outsider's perspective on the progress we are making.

Mr. Chairman, I thank you and the committee for the key role you have played in our Water Rights Settlement and our progress towards realizing the timely development of our Dolores Project irrigation water. We appreciate your on-going support.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

THOMAS R. WHITE, GOVERNOR, GILA RIVER INDIAN COMMUNITY

Mr. DICKS. Okay, we're going to suspend here for a minute. Gila River Indian Community, Thomas White, will be the next witness. We'll come back as quickly as possible.

[Brief recess taken.]

Mr. DICKS. Gila River, Thomas White, Governor?

Welcome.

Mr. WHITE. Thank you.

Mr. DICKS. We'll put your statement in the record, and you have five minutes to summarize.

Mr. WHITE. Thank you, Mr. Chairman and staff members. I appreciate this opportunity to present the needs of the Gila River Indian Community regarding the appropriations for fiscal year 1991. Your continued interest and concern for the health and welfare of the Pimas and the Maricopas of the community is greatly appreciated.

We have five issues that we would like to bring up that are contained within the three or four pages of our testimony. The first is the request for appropriation for the Gila River Juvenile Rehabilitation Center which needs the additional funds. We have a 638 contract at this time in the area of $500,000, and so we made up the rest with the fiscal year carryovers. This year we request an additional $371,853 to bring us to a total of $873,000. This program serves the Gila River youth and also, in addition, two other Indian communities, the Ak-Chin Indian community and the Pasqua-Yaqui Indian community. We have been approached by three other Indian communities to accommodate services to Salt River, the San Carlos, and Ft. Mojave Indian communities of Arizona. We're proposing to contract these.

In our first 15 months of operations, we've expanded into a comprehensive program which provides the services to over 450 youthful offenders and children of these areas.

Our second request is the continued funding for the Gila River farms and support for the MICA farm. We are into the fourth year of a five-year funding cycle for the Gila River farm. Our request is in the area of $1,668,652. These appropriations will be used for irrigation construction for the new crop development in reference to our citrus and future olive trees and our effort to diversify to these crops. I urge the funds be requested through the BIA budget natural resources and development into program element irrigation.

The Maricopa Indian Cooperative Association is planning a rehabilitation of land, and it has been a viable Indian farming organization. It's conducting a reclassification study at this time to go into the rehabilitation and improvements of that farming land.

The request for $707,000 for agricultural development to the western part of the reservation is a top priority, and we urge that the requested monies be added into the 1991 budget.

Our third issue is the additional funding needed for law enforcement services and resource protection. Our Pima Agency has been responsible for law enforcement in a wide area of land base, 372,000 acres of Gila River land. Only one officer is sometimes available to respond in the whole general area. We are requesting at least $100,000 to provide the minimum services.

There has been a certain amount of growth in arrests, and more adults have been incarcerated in fiscal year 1988 than in any previous year.

The Pima Agency has also curtailed a number of services to the community, and we've protested this reduction. It was never addressed.

Our second item under this would be our land and our water of the community that has been used for the dumping of illegal hazardous waste and illegal trash dumps. Trespassers have illegally come in and chopped wood and desecrated our archaeological sites. Out of the 24 incidents that have had dumping of hazardous materials, the State and Federal officials we've participated with—we have been billed up to $30,000 to pay for clean-up costs, but we've been reimbursed through the State and Federal agencies.

Mr. DICKS. You're in about your last minute now.

Mr. WHITE. Okay. We're requesting $250,000 for a ranger program for a director, rangers, supporting staff, vehicles, and equipment.

We would also request some funding in the social services and implementing the Indian Child Welfare Act, an increase of at least $50,000 for administration of the social services program.

Our irrigation—the fifth item is the irrigation construction, and we request the funds for the continued rehabilitation of the San Carlos Indian irrigation project which has been poorly designed, and the BIA has failed to properly maintain the system. Our request of $5,055,000 is within this item.

Also attached to our request is a project well replacement and funds allowed to replace 15 San Carlos wells that have not been replaced in 21 years.

I certainly thank you for this opportunity to present our views regarding appropriations which affect the Gila River Indian Community.

Attached you will find some budgetary items for the juvenile rehabilitation center and our ranger program.

Mr. DICKS. Good. Thank you. That was a very good statement, and we appreciate your being here today.

Mr. WHITE. Thank you.

[The prepared statement of Mr. White follows:]

STATEMENT OF
THOMAS R. WHITE
GOVERNOR OF THE GILA RIVER INDIAN COMMUNITY
SACATON, ARIZONA
BEFORE THE HOUSE SUB-COMMITTEE ON INTERIOR APPROPRIATIONS
WASHINGTON, D.C.
March 14, 1990

Mr. Chairman, members of this Sub-Committee, and staff members, I appreciate being provided this opportunity to present the views of the Gila River Indian Community, Arizona, regarding appropriations for Fiscal Year 1991, for the Bureau of Indian Affairs and the Indian Health Service. Your continued interest and concern for the health and welfare of Pimas and Maricopas of the Community is greatly appreciated. The Hu-Hu-Kam Memorial Hospital is in operation and is instrumental in providing high quality health and medical services to Indians on and near our Reservation.

I. THE GILA RIVER JUVENILE REHABILITATION CENTER NEEDS ADDITIONAL FUNDS FOR FISCAL YEAR 1991.

The Gila River Indian Community requests an increase in funds for the Juvenile Rehabilitation Center beginning FY91. The Center is being operated by the Community and is in the second year of a multi-year (three year) 93-638 Indian Self-Determination Contract. However, the current funding allocation for this program is $500,000.00. This amount is insufficient if the services required by the contract are to be provided.

The Community requests an additional $371,853.00 be added to the appropriations for the Bureau of Indian Affairs for operation of our juvenile program during FY91. This means that the total budget allocation for this program will be approximately $873,000.00. The additional funds will ensure the operation of the program as it currently exists, and the uninterrupted delivery of services to Reservation youth and their families.

In addition to serving Gila River Indian youth, the Juvenile Rehabilitation Center also has the capability of serving youth from other Native American communities. The Center currently serves youth from two such communities within Arizona: the Ak-Chin Indian Community, and the Pasqua-Yaqui Indian Community. In addition to the Ak-Chin and Pasqua-Yaqui Indian Communities, our Center has been approached for services by several other Native American communities within Arizona. They are the Salt River Indian Community, San Carlos Indian Community and Ft. Mojave Indian Community. The Center has also provided detention services to the U.S. Marshall's Office in Phoenix, for Community youth charged with Federal offenses.

It might also be helpful to note that during its first 15 months of operation under Tribal administration, the Juvenile Rehabilitation Center has expanded into a comprehensive program that provides a continuum of care through rehabilitation and community-based prevention, probation and aftercare services to over 450 youthful offenders and children in need of care. The Center is the sole existing program for providing this continuum of services to community youth who come into contact with the police. As such, the Juvenile Rehabilitation Center, as a tribally-operated agency, may serve as a model program from which other Native American communities may develop effective programs for these youth.

II. THE COMMUNITY SUPPORTS CONTINUED FUNDING FOR GILA RIVER FARMS AND SUPPORT FOR MICA FARMS.

The Community requests that appropriations to Gila River Farms continue. The Farms are in the fourth year of a five year funding cycle. The amount requested this fiscal year is $1,668,652.

The appropriations for the coming fiscal year will be expended for irrigation construction that started with funding in 1987. The irrigation improvements will facilitate the delivery of water to the Farms to support new crop development such as citrus and in the future olive trees. These new crops are part of the Farm's effort to diversify its cropping pattern and to increase and stabilize its revenue flow. The Farms urges that the funds requested be added to the BIA Budget for use in Natural Resource Development in the line item entitled Program Element-Irrigation.

The Maricopa Indian Cooperative Association (MICA) is planning to complete the rehabilitation of land located on the west-end of the Community. MICA has been a viable Indian farming organization that has demonstrated that perseverance and hard work can make Economic Development and Natural Resources Development a success. The appropriations of $707,850 will assist in making MICA more self-sufficient. The Community feels that agricultural development in the western part of the Reservation is a top priority area and urges that the requested monies be added to the FY91 budget. The appropriations will assist in providing a broader economic base for the Community.

III ADDITIONAL FUNDING IS NEEDED FOR LAW ENFORCEMENT SERVICES AND RESOURCE PROTECTION.

A. Pima Agency is responsible for providing law enforcement services on the Gila River Indian Reservation. The funding available is totally inadequate for current conditions. At times, only one officer is available to respond to calls within our 372,000 acre Reservation that has the third largest resident population in the United States. Obviously, minimal law enforcement needs are not being met. Funding to provided adequate services needs to be increased by at least $100,000 to provide minimal services. There are increased demands which justify additional appropriations. For instance, 316 more arrests and 374 more adults were incarcerated during fiscal year 1988 than in the previous year. In addition, child sexual abuse problems have increased which require more person-hours of investigation than ordinary crimes. I urge your support for increased funding of law enforcement activities not only for Community but for all Indian Tribes.

Last year, Pima Agency personnel advised us that the budget for Pima Agency is insufficient and outlined twenty-nine ways in which services would be curtailed for this Fiscal Year. We protested the reduction in services but also realize that funding for law enforcement services is inadequate throughout Indian Country.

B. The natural resources of the Community are in critical danger. Our land and water, has been significantly damaged and human life placed in peril because of dumping of illegal hazardous waste and establishment of illegal trash dumps. In addition, trespassers illegally

chop wood, and desecrate archaeological sites that have historical and cultural significance for Pimas and Maricopas. A particularly damaged site is Snaketown, a National Historical Landmark, an area which has great religious significance for Pimas.

For instance, there were twenty-four incidents of dumping of hazardous materials on our Reservation during 1988. Although state and federal authorities have shared in the costs, in some instances we have been billed as much as $30,000 for pay clean-up costs.

These problems will increase unless this program can be funded. The BIA is simply unable to provide either the technical assistance or manpower to curb or control these problems. Therefore, we request additional funding for the BIA in the amount of $250,000 to pay for a Director, eight rangers, and supporting staff, vehicles and equipment. We plan to contract for these services if funds are appropriated.

IV. FUNDING FOR SOCIAL SERVICES AND, IN PARTICULAR, FUNDING FOR PROGRAMS IMPLEMENTING THE INDIAN CHILD WELFARE ACT MUST BE INCREASED.

One of the largest programs we have contracted for with the BIA is Social Services. At the present time we are receiving approximately $311,000 for administration of this Program. We need an increase of at least $50,000. This increase would allow the Community to provide additional funds for other needed programs.

We request additional funding for ICWA Programs. ICWA funds provided invaluable assistance for Community children who require assistance and relocation back to our Reservation. The recent Report issued by the Senate Select Committee on Indian Affairs regarding child sexual abuse in Indian Country makes it clear that additional funds need to be appropriated for the funding of new programs across the United States, such as Tribally controlled child protective services programs.

V. IRRIGATION CONSTRUCTION

The Community requests that funds be appropriated for the continued rehabilitation of the San Carlos Indian Irrigation Project. The irrigation system on the Gila River Indian Reservation was poorly designed initially and the BIA has failed to properly maintain the system. We therefore request that $5,055,000 be appropriated for continued rehabilitation of the total system. Attached to this Statement is a detailed appropriation request for project well replacement and economic relief. These funds will allow the replacement of 15 San Carlos Indian Irrigation Project wells. These wells have not been replaced in 21 years and there has been little maintenance provided which results in low efficiencies and reduced discharges of water. In the event funds are appropriated, the Community plans to contract for this function and perform the required work.

VI. CONCLUSION

I again thank you for this opportunity to present our views regarding appropriations which affect the Gila River Indian Community.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

ROLEEN HARGROVE, TREASURER, AMERICAN INDIAN TRADE AND DEVELOPMENT COUNCIL

Mr. DICKS. The American Indian Trade and Development Council, Fred Lane, executive director?

But, Roleen's going to do it instead? All right, Roleen.

All right, we will put the entire statement in the record, and you may proceed for five minutes.

Ms. HARGROVE. Thank you, Mr. Chairman. It's both an honor and a pleasure to be able to represent and be asked to represent the American Indian Trade and Development Council. They are a growing concern that is benefitting and is going to be very beneficial to the Indian tribes and organizations as well as the individual entrepreneurs across the United States.

Their mission is to look at what is available in the way of products and goods and networking across the Nation, looking at what is available out there, getting those goods and products not only into that domestic market, but into the international market as well.

As you can see in our testimony, there are many tribes that are a part of the American Indian Trade and Development Council as well as associate members to the Council. I just want to identify a few of those: the Inter-Tribal Agricultural Council, the National Center for American Indian Enterprise Development, the Intertribal Timber Council, among others.

The trade council has had over the years a number of conferences as well as workshops to begin identifying again what is out there, how we can assist the tribes in getting their goods out into the various markets that are available. As an example, approximately three weeks ago the trade council had their third annual conference in Seminole country. As a result of that conference, the Oglala Sioux-Shoshone Bannock tribes had inquiries, approximately 50, into their zeolite program. The Colorado River tribe was able to reach an agreement with an attorney that's experienced at both the domestic and international textile markets to develop a marketing strategy for their raw materials. That plan will provide for an opportunity for Indian producers to improve both their domestic and international sales of cotton and other products.

Another area that the trade council is working very closely in is the 1990 Goodwill Games. To date, there are 38 governments, foreign governments, that have been identified to participate in the games, and that is anticipated to grow to over 40 by the time the games arrive. The trade council is going to act as a conduit to tie those foreign governments into the national—the tribes, identifying what goods they are looking for and the tribes having meetings with those various countries to look at how we can get them into that market.

I want to share with you the goals of—just highlight the goals of the trade council. Obviously, we want to be identifying the mar-

kets, building trade relationships conducive to the sales of Indian-produced goods and services. The second goal is to establish a data research and information system, making available to these countries and the local markets as well as to what is available on the reservations. And then the third long-range goal is to substantially increase the business development, operation, and marketing knowledge and skills of the trade council members through the provision of technical assistance and, through that, we can look at becoming totally self-sustaining beyond 1993.

So, what we are asking for today, Mr. Chairman, is that the Subcommittee include in the fiscal year 1991 appropriation budget $250,000 for the continuation of a very important program.

Mr. DICKS. Okay. Well, I appreciate your testimony. We'll take a very serious look at this.

Ms. HARGROVE. Thank you very much.

Mr. DICKS. Good.

[The prepared statement of Ms. Hargrove follows:]

American Indian Trade and Development Council

3015 Colby Avenue, Suite 320 Everett, WA 98201 PH: (206) 259-4412 FAX: (206) 258-6744

Executive Officers of the Board

ROBERT A. OLNEY
President
Yakima Nation

SAMUEL M. CAGEY
Vice President
Lummi Tribe

ADELINE WHITEWOLF
Secretary
Northern Cheyenne Tribe

ROLEEN HARGROVE
Treasurer
Puyallup Tribe

Executive Board of Directors

SEMINOLE TRIBE
QUINAULT NATION
NOOKSACK TRIBE
MAKAH TRIBE
TULALIP TRIBE

AITDC Staff

FREDD E. LANE
Executive Director

WALTER JACKSON
Project Manager

JAMES R. STALEY
Contract Officer

LINDSAY BURTON
Secretary

WANFU ZENG
Chief Trade Specialist

Testimony of
Roleen Hargrove, Treasurer,
American Indian Trade and Development Council
Before the
House Interior and Related Agencies Appropriations
Subcommittee
on the
FY91 Appropriations
for the Bureau of Indian Affairs
March 14, 1990

Mr. Chairman and members of the Subcommittee, I am Roleen Hargrove, Treasurer of the American Indian Trade and Development Council.

On behalf of the American Indian Trade and Development Council, its member tribal governments, and individual Indian businesses, I request that the Subcommittee include in the FY91 Budget appropriations a line-item of $250,000 for the American Indian Trade and Development Council within the budget of the Bureau of Indian Affairs Economic Development Program Account.

The American Indian Trade and Development Council was formerly organized in June 1987 by Indian governments to undertake marketing research, economic analysis and trade liaison activities in support of Indian tribes, Alaskan Native Corporations and private Indian enterprises. The Council includes official representatives of the Makah Indian Tribe, Seminole Tribe, Yakima Nation, Lummi Tribe, Northern Cheyenne Tribe, Tulalip Tribe, Winnebago of Nebraska, Quinault Nation, Sealaska Corporation, Quileute Tribe, Puyallup Tribe, Nooksack Tribe, Muscogee Creek Nation, Oglala Sioux and Colorado River Tribes.

Five inter-tribal organizations are now associate members of AITDC. They are: Inter-Tribal Agricultural Council, the National Center for American Indian Enterprise Development, Intertribal Timber Council, Frank's Trading Company, Inc. and Lummi Fishermen's Marketing Association.

The functions and activities of AITDC are singularly directed toward the marketing of American Indian and Alaskan Native produced goods and services. In private enterprise, market research and product promotion are essential to business success. Marketing is a time-consuming, imprecise science involving research, communication, coordination, and travel to achieve the sales goals. In Indian County, economic development assistance is principally specific to the enterprise with rare consideration of product promotion. The AITDC serves the market research and promotion role for a broad spectrum of tribal products and services. This important business function in its fledgling stage needs Federal assistance until an operational base is established.

We anticipate the need for this financial support for another three years. We project that the American Indian Trade and Development Council will become wholly self-sustaining in FY93.

International Trade Missions Generate Interest In Tribal Resources and Products

In March 1987, before the formal establishment of the American Indian Trade and Development Council, several tribal governments participated in a Timber Mission to the Peoples Republic of China and several Pacific Islands. This mission demonstrated to tribal leaders the viability of conducting trade and developing new markets for tribal products and services. In November 1987, after formation of the AITDC, we co-sponsored with the Lummi Indian Tribe a Foreign Trade Zone Seminar. This seminar illustrated new and potentially useful methods and approaches Indian Tribes could use to establish new markets for their products and services. In March 1988, the American Indian Trade and Development Council, in conjunction with the Bureau of Indian Affairs and the U.S. Department of Commerce, sponsored a successful Industry-Organized and Government Approved seafood trade commission to Japan, Hong Kong and Singapore. One direct result from this latest mission was the participation of the Fisheries Specialist, American Embassy in Tokyo, Mr. Tom Osakawa and the Counsel General of Hong Kong, Mr. Y.Y. Kwok in discussion with the American Indian Trade and Development Council at our second Annual Conference in February of 1989.

The Seafood Trade Mission developed continued contacts for Pacific Rim Trade. The Udo Company Ltd. of Tokyo has made two trips to the Pacific Northwest specifically to meet Indian tribal and business representatives. Y.Y. Kwok, of the American Consulate General, Hong Kong has attended each of the last two AITDC National Conferences. Kwok introduced Fred Lane, AITDC Executive Director to Frank's Trading Company Inc. of San Francisco. This firm is now an AITDC associate member and is negotiating trading arrangements and joint ventures with several Indian tribes and entrepreneurs.

AITDC National Conferences Create Information Exchange and Business Linkages

The AITDC has held three successful national conferences providing information on domestic and international trade to participants. The conference agendas include tribal leaders, intertribal organization presidents or designated delegates, federal agency representatives, international business and foreign government representatives and tribal or Alaska Native entrepreneurs. The first conference provided information on the purpose of the organization and offered the AITDC an opportunity to recruit tribes. The second conference theme was "Unity of Information and Business Promotion" encouraging tribes and tribal entrepreneurs to unite and share information to promote tribal trade and commerce. The third conference stressed the importance of tribal "Sovereignty, Unity and Economic Growth" featuring strategies in Tribal individual and collective marketing.

The national conferences have provided useful technical information to the participants and an opportunity to make marketing and financing contacts. In Tampa, Florida this year, the Oglala Sioux - Shoshone Bannock joint venture received favorable television media coverage which resulted in over fifty telephone inquiries concerning their

product, zeolite. The Colorado River Tribe reached an agreement with Lee Sandler, an attorney experienced in the domestic and international textile markets, to develop a marketing strategy for Indian produced raw materials. This plan will provide the opportunity for Indian producers to improve their domestic and international sales of cotton and other products.

The AITDC has also sponsored several marketing sessions attended by tribes, intertribal organizations, Canadian Indian Bands, Indian entrepreneurs, federal agency and International business representatives from Japan and Taiwan. The intent of the marketing sessions was to introduce tribes and Indian entrepreneurs to international business representatives and the world of international trade.

1990 Goodwill Games Exemplifies AITDC Marketing Role

The 1990 Goodwill Games are a current example of opportunities for trade development by participating tribes. Bob Walsh, President of the 1990 Goodwill Games Seattle Organizing Committee, is encouraging Indian and Alaska Native involvement in the 1990 GOODWILL GAMES INTERNATIONAL TRADE EXHIBITION INVITATIONAL, August 1-3, 1990 and has requested the assistance of the AITDC to recruit tribes and coordinate tribal participation. The AITDC will collaborate with TRADEC, which is contracting with the 1990 Goodwill Games Seattle Organizing Committee, to organize and coordinate the International Trade Exhibition Invitational. Due to the magnitude of this world event, the limited time, space and visits allowed with international representatives, the AITDC will prioritize intertribal organization representative participation. The participating tribes and/or international organizations will be provided an opportunity to promote their products and resources through a portfolio (one-page per tribe) that will be made available to the visiting delegations. There will be 38 government and business representatives in attendance.

AITDC Goals Designed to Strengthen Tribal Economic Development Capacities

Our FIRST GOAL, identifying markets and building trade relationships conducive to the sales of Indian produced goods and services, will build on the AITDC experience gained through its past participation in Pacific Rim Trade Missions, and contacts resulting from those trade missions, and, on-going marketing activities in the private sector.

Our SECOND GOAL is the establishment of a Data/Research and Information System. Through accessing computerized Indian resource data from the U.S. government, tribal governments and organizations (which have conducted such research) and current input from participating tribes and tribal organizations, an American Indian economic and trade inventory data bank will be established. The American Indian Tribal Resource/Marketing Data Bank will be developed, operated, maintained and updated by the AITDC for Tribal utilization.

Our THIRD LONG RANGE GOAL of AITDC's marketing efforts will be to substantially increase the business development, operation and marketing knowledge and skills of AITDC members through the provision of technical services. We envision a fee schedule for these services to create the self-sustaining operational base for AITDC beyond 1993.

Domestic/International Marketing and Trade Are Essential For Tribal Business Development

The development of new trade opportunities and markets for tribal products and services is key to economic expansion, growth and productivity on Indian reservations. The AITDC has become an innovative new mechanism for the stimulation of Indian economic activity and diversification. Indian Reservations are not only consumers of goods and services, they are actual and potential producers. As producers, Indian reservation economies can contribute to economic growth in their neighbor Counties/States, and across the United States.

Indian Nations have the potential capacity to enter into trade with many countries outside the United States. As I noted earlier, member tribes and the American Indian Trade and Development Council have been directly involved in trade missions aimed at opening trade opportunities with Pacific Rim countries. As a consequence of these missions, we have identified 4,499 retail firms and 503 wholesale firms in Asia, alone, with whom Indian Nations and private enterprises may consider as prime potential candidates for marketing tribal products. The Quinault Indian Nation, a member of AITDC, entered into an agreement with the People's Republic of China to sell shipments of logs. Preliminary steps are currently being taken to arrange trade of citrus products and catfish from the Seminole Reservation to markets in the Pacific Region. This activity, too, is a direct result of earlier trade missions.

We anticipate expanding trade mission activities in the Pacific Rim and Pacific region generally, Europe and in Latin American Countries. The sale of tribal products and services in these regions of the world will not only contribute to the successful development of self-sufficient tribal economies, but opening these markets to tribal products and services will contribute to reduction of trade imbalance between the United States and particularly Asia and Europe.

Tribal Involvement and Direction Key to Economic Renewal in Indian Country

The best examples of economic progress in Indian Country can be found on those reservations where Indian people determined their own economic priorities, developed their own technical capabilities, and where external economic aid was sufficiently flexible to permit internal self-determination. Tribal Enterprises, both private and tribal government, have developed in timber, fisheries, agriculture, mining and manufacturing. Most enterprise initiatives have been wholesale enterprises, but increasingly, a retail infrastructure is evolving; though very slowly.

The American Indian Trade and Development Council exists because of internal tribal economic self-determination and the growing demand for internal economic self-sufficiency. The American Indian Trade and Development Council is the first inter-tribal effort to systematically develop new markets for tribal products and tribal labor. Without markets, tribal enterprises cannot develop. Without markets, tribal enterprises cannot grow; and tribal economies cannot become the engine for prompting social, health, education and cultural development on Indian reservations.

Congressional support for the AITDC will contribute to the continuing growth of tribally determined economic marketing and trade opportunities. Instead of continuing a future reliance on the Bureau of Indian Affairs and the U.S. government in general, we believe that the activities of the American Indian Trade and Development Council will increase tribal economic self-sufficiency and economic growth. The Congressional investment of $250,000 in fiscal year 1991 can and will multiply many times over and contribute to the secure development of tribal economic activities which relies on the development of sound markets.

On behalf of the American Indian Trade and Development Council, I extend our appreciation and thanks to the Chairman and members of the Subcommittee for the opportunity to make this request and presentation.

testimon.355
3/11/90

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

RAY E. OLNEY, VICE CHAIRMAN, YAKIMA INDIAN NATION TRIBAL COUNCIL

JEANNETTE LEE, EXECUTIVE SECRETARY, YAKIMA INDIAN NATION TRIBAL COUNCIL

Mr. DICKS. The Confederated Tribes of the Yakima Indian Nation, Levi George, chairman?

Welcome.

Mr. OLNEY. Thank you, sir.

Ms. LEE. Hi.

Mr. DICKS. How are you?

Ms. LEE. Fine, thank you.

Mr. DICKS. Good.

We'll place your entire statement in the record, and you have five minutes to summarize.

Mr. OLNEY. Thank you, Mr. Chairman and members of the Committee. My name is Ray Olney, vice chairman of the sovereign treaty nation located in south central Washington State. With me today is Jeannette Lee, also a member of the Yakima tribal council.

What I'd like to bring to your attention, Mr. Chairman, is that there's an unmet need and my people have spoken. We're a self-regulating tribe, a sovereign treaty nation. My elders have brought to the attention of the Yakima tribal council that we come before you and request additional funding of $1,051,041 for law enforcement. That would cover law enforcement and judicial services.

Also, Mr. Chairman, we have fish and wildlife. We'd also—that would be our second priority, fisheries and wildlife of the Yakima Indian Nation. That would total $509,746.

Now the reason I say that we need this money—perhaps one might assume that our judicial services in Yakima County are taken care of, but they haven't been. Our Bureau of Indian Affairs has been abrogating these trust responsibilities and law enforcement in our judicial area, and also the illegal drug epidemic in Yakima County, you've heard about that, but William Bennett, Drug Policy Director, has tabled it. It's as bad as Miami, Houston, New York, and the Mexican border.

Also of special significance is the prosecution. The local justice department does not go ahead and prosecute crimes.

Also, we need that money so we can go ahead and practice our rights, aboriginal rights, on the Puget Sound area in Washington State.

At this time I'd like, Mr. Chairman, for Jeannette Lee to speak on behalf of fisheries and wildlife.

Mr. DICKS. All right, Jeannette.

Ms. LEE. Thank you.

Mr. DICKS. Welcome.

Ms. LEE. Thank you very much.

Because salmon and wildlife play such an integral role in our culture and religion, we felt that we needed to request additional funds above the banded amount. We have assumed a lead role in habitat protection and enhancement for many species in the fish and wildlife program.

It's important to note that this is not only on the reservation but in the coded areas, and it benefits not only the Indians but the non-Indians alike. We request a total increase of $509,746 for our fish and wildlife program. As you can see by our testimony, it's broken down as to the fish and wildlife program and to the wildlife. We will submit further documentation to back up our request.

[Material was supplied to the Subcommittee at the time of printing.]

Mr. OLNEY. Mr. Chairman, that concludes our testimony, and I thank you for your time.

Mr. DICKS. Good. Thank you. That was a very succinct statement. We know particularly of your fine work on restoration of the chinook, and that's very much appreciated by everyone out there. We also know that you have significant timber resources as well that are important to our region.

Ms. LEE. Yes.

Mr. DICKS. So, we will stay in contact, and Congressman Morrison and I work very closely together. I know he represents a great deal of your area, if not all of it.

Ms. LEE. We'll appreciate your help.

Mr. DICKS. Thank you.

Mr. OLNEY. Thank you, sir.

[The prepared statement of Mr. Olney follows:]

Confederated Tribes and Bands
of the Yakima Indian Nation

Established by the
Treaty of June 9, 1855

TESTIMONY OF THE YAKIMA INDIAN NATION

ON THE FISCAL YEAR 1991 INTERIOR APPROPRIATIONS BILL

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON

THE INTERIOR AND RELATED AGENCIES

MARCH 14, 1990

Post Office Box 151 Fort Road Toppenish WA 98948 (509) 865-5121

YAKIMA INDIAN NATION TESTIMONY FOR FISCAL YEAR 1991 CONGRESSIONAL BUDGET APPROPRIATIONS

Mr. Chairman, Honorable Committee Members, I am Ray E. Olney, Vice Chairman of the Yakima Indian Nation Tribal Council. I am accompanied by Jeannette Lee, the Executive Secretary of our Tribal Council. Thank you for allowing us this opportunity to present our testimony.

The Yakima Indian Nation is a sovereign Treaty Tribe with important religious customs and traditions. Our reservation is located in south central Washington state on approximately 1.3 million acres with the Tribal Enrollment of approximately 8,000 members. The Yakima Reservation is one of the largest Indian Reservations in the United States.

The Yakima Indian Nation is a self-regulatory tribe actively participating in the PL 93-638 Self-Determination Act contracting process. Irrespective of federal funding, we will never lose our inherent right of self-regulation. However, our ability to properly govern, oversee and protect our natural and human resources is clearly jeopardized by the insufficient funding we receive from the federal government -- a government that has a legal treaty responsibility to our resources and our people. Although we have other concerns which we have attached to our testimony to be submitted as part of the record, we would like to emphasize the total inadequacy of law enforcement funding to our Nation.

LAW ENFORCEMENT

The Yakima Indian Nation Law Enforcement Program, under Public Law 93-638, requires additional funding of $1,051,041 over the current amount of funding being provided. The Yakima Indian Nation is responsible for providing law enforcement services over an area that encompasses 1.3 million acres of land with a total population of approximately 30,000. This does not include the additional off-Reservation Treaty areas reserved as usual and accustomed fishing sites.

Of paramount importance to the Yakima Indian Nation is to maintain its self-regulatory authority and jurisdiction. For a number of years, particularly during the last half-decade, the Bureau of Indian Affairs has slowly been abrogating its trust responsibilities in the law enforcement and judicial services area. How do you reduce law enforcement and judicial services without undermining self-governmental jurisdictional authority?

We do not want to retrocede a program in order to obtain adequate funding for operations, however, we will do what we must in order to protect our people.

The National illegal drug epidemic is particularly alarming on the Yakima Indian

Reservation. Yakima County was recently considered for designation as a drug trafficking area by administration drug policy director William Bennett. The local drug problems were so significant that Yakima County was considered on almost the same basis as Miami, Houston, New York, and the Mexico border. Most of Yakima County is within the Yakima Indian Reservation.

Locally within the last five years, an estimated 80% of crimes committed are related to illegal drug activity. Within the last five years, the criminal offenses of murder, rape, robbery, assault, burglary, and theft spiraled by 34% to 16,448 cases. Statistics available from the county show that a significant reason for this escalation in crime is resultant from the increased numbers of seasonal farm workers and migrants, who have come into the Yakima Valley in ever increasing numbers in recent years.

Tribal statistics indicate that, in the past year, 82.6% of all assaults involved alcohol or drugs. 71.4% of all reported rapes investigated by the Yakima Tribal Police were also alcohol and drug related. Of special significance is that, because prosecution of reservation crimes is routinely denied by the Justice Department, crimes handled by the Yakima Nation Law Enforcement and judicial processes have become increasingly violent.

The effects of these violations have an impact on more than the legal system. The impact on the community can be devastating. For example, during the past year there were 30 infants born chemically dependent at two of the five area hospitals alone.

In addition, increased fisheries and wildlife responsibilities for self-regulation have created an urgent need for additional law enforcement funding.

In 1988 the Yakima Tribal Council approved the Comprehensive Fisheries Management Plan under United States v. Oregon. For the first time the United States, as well as the states of Oregon and Washington have accepted the primacy of the Yakima Tribal fishery enforcement and management on the Columbia River. This greatly increases the responsibilities of the Yakima Indian Nation in law enforcement and harvest management.

The Yakima Nation exercises jurisdiction over off-reservation treaty rights, including handling off-reservation violations. The Yakima Indian Nation has been expected to increasingly pick up the tab for these enforcement responsibilities while Bureau funding has not similarly increased.

The Yakima Indian Nation has fishing rights on Puget Sound in Western Washington state which were guaranteed by the United States in our Treaty. Additional funding is necessary for Puget Sound enforcement operations, such as personnel, equipment and increased court staff to handle increased caseload.

Protection and management of wildlife under tribal jurisdiction is crucial to tribal sovereignty. Additional strains on a limited staff have surfaced as the tribe assumes an expanded role in regional and national wildlife planning and cooperative inter-agency liaison activities in the area.

The tribe has exclusive wildlife management and enforcement jurisdiction over 1.3 million acres of land within the reservation. Similarly, the tribe's wildlife management and enforcement role, throughout its 12 million acre ceded area, has been clearly established. By comparison, the Washington Department of Wildlife's regional office has authority over 400,000 acres of state land and jurisdiction over an additional 8 million acres--26% less land than the Tribe has responsibility for--and the state agency still feels it is drastically underfunded.

Under recent state and federal court cases, it has been determined that, because the state has virtually no jurisdiction over off-reservation Indian hunting violations, the Tribe regulates the exercise of off-reservation treaty hunting. Additional enforcement staff are necessary to implement these rulings. It has also been determined that the Yakima Indian Nation has authority to manage the wildlife resources for the benefit of its members within the areas ceded in the Treaty. These legal declarations which fulfill the goals of self-determination are meaningless without adequate funding.

The Yakima Indian Nation must provide increased enforcement relative and due to the Columbia River Management plan, jurisdictional pronouncements of the United States Supreme Court, Tribal self-regulatory status and the declination from the United States Attorneys office on felony cases.

The amount requested by the Yakima Indian Nation is in addition to the existing banded amount for law enforcement program. The Yakima Indian Nation is currently receiving only $244,550 for law enforcement and $85,600 for judicial services. Along with our four-page testimony, for the convenience of your staff, we have prepared a two-page detailed budget justification for your review.

FISHERIES AND WILDLIFE

The United States has initiated a program to double salmon runs in the Columbia River basin by the year 2000 under the Northwest Power Planning Act. A key provision is rehabilitation of the Yakima River system by installing new fish screens and fish ladders at diversion dams and building a hatchery. The purpose is to replace runs lost due to hydro development on the Columbia River. Yakima River runs have increased from 900 fish to over 9,000 since this effort began in 1980, increasing management responsibilities of the Yakima Indian Nation.

The Yakima River system forms a portion of the Yakima Tribal homeland. The Yakima Nation, as the leader in the rehabilitation process, manages present runs and will manage the hatchery and the resulting runs. This includes all aspects of fishery management including: Habitat protection of 1,100 stream miles in the Yakima Basin; Habitat protection of the Columbia River to insure success of instream production efforts; Management of runs on a "gravel to gravel" basis.

The Yakima Indian Nation, the United States, the State of Washington and Chelan County Public Utility District are required by a Federal Energy Regulatory Commission settlement to protect and enhance severely depressed spring and summer Chinook runs in the mid and upper Columbia River. The Yakima Nation's legal status as a manager of this resource is also defined under this agreement.

The Yakima Indian Nation receives only a fraction of what is needed in banded funds for its fishery management programs. None are available for the above management needs. With the rebuilding of the resource and increased management responsibility in the Yakima basin and the ceded area, an additional amount is necessary to fulfill Yakima responsibilities. Funding for these practices and activities are available from no other source. The Yakima Indian Nation urgently needs to be able to properly implement these management practices. $414,413, is needed to rehabilitate the 1323 miles of fisheries habitat that has been severely degraded by past logging practices, grazing and other land use activities. $20,333, is needed to replace inadequate culverts which present barriers to fisheries migration.

Finally, an additional $75,000, of dedicated wildlife PL 93–638 program funds are necessary to address the tribe's wildlife responsibilities. The YIN Wildlife Program supplies the technical competancy in species management efforts required to assert and protect the tribe's treaty guaranteed rights. The relationship of this program's work to the need for enhanced law enforcement funding has been discussed previously in this statement. The sum requested this year represents an incremental addition which will lead, over a period of years, to the total programmatic level of funding identified in last year's testimony.

Thank you for your consideration of our views.

WEDNESDAY, MARCH 14, 1990.

INDIAN HEALTH SERVICE

WITNESSES

JOANN KAUFMANN, NATIONAL NATIVE AMERICAN AIDS PREVENTION CENTER

Mr. DICKS. The National Native American AIDS Prevention Center, Joann Kaufmann?

Joann, welcome. We'll put your statement in the record, and you have five minutes to proceed.

Ms. KAUFMANN. Thank you, Congressman Dicks.

The first thing I'd like to do is to extend my appreciation to you for the leadership that you have shown to protecting urban Indian health care and to the Seattle Indian Health Board in particular.

Mr. DICKS. I appreciate that.

Ms. KAUFMANN. I've been working with your staff on enhancing that category of the Indian Health Service system, and I appreciate your leadership.

Mr. DICKS. Well, it's a very important issue which you've done an excellent job of presenting to this Committee over the years.

Ms. KAUFMANN. One of the areas that was brought to your attention by the Seattle Indian Health Board in 1988 was the issue of funding for prevention and education and treatment around the acquired immune deficiency syndrome problem and to try to prevent that from spreading in the American Indian population. You and Congressman Yates did very well that year and provided $800,000 to the Indian Health Service. At that time CDC had mentioned that there were 56 Indian people who had been diagnosed with the full constellation of symptoms that are called AIDS.

Three years later I am sad to have to report that the number of Indian people suffering from acquired immune deficiency syndrome has tripled in those three years. Today CDC estimates that there are 159 Indian people infected with the AIDS virus. They also estimate that ten times that number, or 1,590, are actually infected with the HIV virus but not carrying the full-blown constellation of symptoms.

Many people believe that the problem of AIDS is not significant in the Indian population, and I have seen that the Indian Health Service has not taken this problem seriously.

Mr. DICKS. Why's that?

Ms. KAUFMANN. Well, I believe that there is a lack of attention to this issue because of the stereotypes around homosexual behavior as one of the risk factors. I think there's denial about the IV-drug use in the Indian population. I think that has not become a serious issue for people in the Indian Health Service. There are some very brave people in IHS, like Dr. E. Y. Hooper who is leading that effort, but I don't believe that the support is coming from the top as it should be.

For example——

Mr. DICKS. We'll ask them some questions about that this year.

Ms. KAUFMANN. I appreciate that. For example, the $950,000 that you provided for this current year has not been passed on

down to the tribes and to the urban programs for their AIDS education projects. The money is supposedly lost in the Public Health Service system and still has not reached the Indian Health Service.

What I am requesting——

Mr. DICKS. We'll check into that one.

Ms. KAUFMANN. Okay, thank you.

I would like to draw your attention to the tables that are provided as attachments to the testimony. The first two tables show that in regard to prevention efforts we still have a long way to go; that the rate for sexually-transmitted diseases for Indian people is twice the rate for the United States population.

Also, the seroprevalence study that has been going on by the Department of Defense for new military recruits shows that American Indian military recruits are the third highest behind blacks and hispanics for AIDS infection. Just taking the State of California for U.S. military recruits, Indian people entering the military are almost tied for first place for HIV infection, second behind the black population.

The number of Indian people diagnosed with AIDS has doubled just in this past year. One of the things that is different about Indian people and the rest of the public is that for HIV drug use contact with AIDS is 14 percent for Indian people compared to only 7 percent for the general public. There are also four times as many women diagnosed with AIDS in the Indian community as compared to the general population in terms of the rate for women diagnosed with AIDS.

Clearly, it is a problem that has serious concern for our population, given the sexually-transmitted disease rate in the Indian population, the problem of alcoholism and substance abuse, and the fact that we have such a high heterosexual rate for AIDS.

What I am doing here today is that I am a volunteer with the National Native American AIDS Center, and I'm volunteering my time to be here and to help them. I have a professional interest as a health care provider in the field and someone committed to urban Indian health. I also have a very personal commitment in that eight weeks ago I lost my brother to the AIDS virus.

Mr. DICKS. I'm very sorry to hear that.

Ms. KAUFMANN. It is—what we are asking is that the amount of funding for AIDS should increase at the same rate as the number of Indians diagnosed. The rate has tripled in the past three years. The amount of funding should triple also, and that would equal $2.4 million.

We would also like to ask that this Committee provide strong language in the Interior appropriations that would require the Indian Health Service to pass along the funding to the tribal communities and to the urban programs, because the bureaucracy does not seem to be interested in implementing it and getting it to the communities.

Mr. DICKS. We'll check into that and we'll certainly work with you. We appreciate your testimony and being here today on this important issue.

Ms. KAUFMANN. Thank you.

[The prepared statement of Mr. Rowell as submitted by Ms. Kaufmann follows:]

THE NATIONAL NATIVE AMERICAN AIDS PREVENTION CENTER

PHONE 415 ... 2033
6210 COLLEGE AVENUE SUITE 201
OAKLAND CALIFORNIA 94618
FAX 415 ...

PHONE ...
1515 EAST 24TH STREET
MINNEAPOLIS MINNESOTA ...
FAX ...

TESTIMONY OF RONALD M. ROWELL MPH, EXECUTIVE DIRECTOR
National Native American AIDS Prevention Center, Oakland, CA
House Appropriations Subcommittee for the Interior
March 14, 1990

My name is Ron Rowell. I am a citizen of the Choctaw Nation of Oklahoma of Choctaw and Kaskaskia descent, and the Executive Director of the National Native American AIDS Prevention Center in Oakland, California, a program funded by the Centers for Disease Control. I have come here today to share information concerning the AIDS epidemic among American Indians and Alaskan Natives and to share my views about the need for increased funding for HIV prevention through the Indian Health Service.

We have little information concerning the numbers of Native people in the U.S. infected with HIV. There are two studies, the Department of Defense Military Seroprevalence Survey and the Centers for Disease Control Sentinel Hospital Study which provide information of limited use. This data, as well as that cited later in my testimony is illustrated in graphs which accompany the written testimony. According to the military recruit study, American Indians/Alaskan Native male recruits have the third highest infection rate in the U.S. In California, the state with the largest Native population, American Indian and Black males are almost tied for first place, and much higher than for any other ethnic groups. The Sentinel Hospital study shows an even higher infection rate in what is a much smaller sample, but one which may better reflect the Native population as a whole. The CDC and IHS are currently undertaking a seroprevalence survey of the Native population, but no data is yet available.

Rates of sexually-transmitted disease remain at least twice as high for Natives as for all other ethnic groups combined according to a recent CDC study published in Public Health Reports by Dr. Kathleen Toomey. These rates are very troubling, since they are an indication that little progress has been made in changing sexual behaviors which put individuals at risk of HIV infection.

No research has been conducted to determine the extent of intravenous drug use among Native people. There is ample anecdotal information that IV drug use is a growing problem, at least in some areas of the country.

As of the end of January, there were 159 confirmed Native AIDS cases reported to CDC. Between the end of 1988 and the end of 1989, the number of cases almost doubled. There were two diagnosed and reported Native AIDS cases already prior to 1984, but it is only in 1988 that any serious effort was undertaken to respond to

doubled. There were two diagnosed and reported Native AIDS cases already prior to 1984, but it is only in 1988 that any serious effort was undertaken to respond to the threat with information and education. A paper presented at the Vth International AIDS Conference in Montreal stated that the rates of infection shown in the seroprevalence studies mentioned earlier were much higher than the case rates would indicate, and that we could assume either that the number of actual cases is underreported and/or that the virus came into the Native community at a later date.[1]

Native women are represented at a rate four times that of women in the White AIDS caseload. There are reported cases in every age group except 5-12. Four Native babies have been diagnosed.

Substance abuse is clearly at the root of most of the cases of AIDS in Indian Country, either directly, as through sharing of needles for shooting drugs intravenously, or indirectly through unprotected sexual behavior while under the influence of alcohol and other drugs. As you may be aware, 37% of Native people die before the age of 45, primarily due to conditions related to substance abuse.

For us, the AIDS epidemic occurs in an historical context unlike that faced by any other Americans. Over the past 500 years, historical demographers estimate that we have lost 500,000 Native people per century, primarily due to epidemics. These included smallpox, syphilis, typhoid, cholera, measles, influenza and others. After a population nadir reached in 1900, our population has begun to grow again throughout the 20th century. We view AIDS as a threat to our existence which must be stopped.

We have only just begun to take action. We at NNAAPC believe strongly that the most effective prevention activities are initiated and carried out by people in the local community or who are members of subpopulations affected. As a national program we provide services which encourage and enable local Native citizens to think through what must be done and to do it, and provide them with ongoing access to information.

There are now regional Native HIV prevention efforts in several states, including Alaska, Oregon, Washington, Minnesota, South Dakota, California, Oklahoma and Arizona. There are several other local programs, primarily funded with Federal money through State departments of health or the U.S. Conference of Mayors. Examples of local programs include the San Diego Urban Indian Health Clinic, the Seattle Indian Health Board, the Hoopa Reservation AIDS Task Force, the Wisconsin Winnebago AIDS Task Force and others. As encouraging as the development of these programs is, the fact is that there is still very much to do to reach the Native population with the message that AIDS is an Indian problem.

This subcommittee is being asked to consider additional appropriations for the Indian Health Service for HIV prevention activities. Is such funding necessary? Yes, but with clear and unambiguous direction from Congress on how such funding ought to be used. Allow me to digress for one moment to state simply that by providing

funds to the Indian Health Service for HIV prevention, Congress has not fully addressed the needs of Native people on this issue. The truth is, IHS serves only a portion of the Native population, primarily those on or near reservations (a minority of the Native population). The majority of the Native population does not receive the benefit of IHS services. Therefore, American Indians and Alaskan Natives must continue to be considered beneficiaries under other appropriations for HIV prevention activities.

The 1989 Annual Report on AIDS Prevention Activity by the Indian Health Service states that:

> "Global and local constraints related to general funding, staff shortages and other health priorities have hampered full implementation of the prevention effort. Lingering perceptions that the HIV epidemic is not a significant concern in the Native American population has also been detrimental."

I would suggest that the restraints are not due to attitudes in the Native American population, but in the bureaucracy which has from the beginning rejected the idea that control of HIV ought to be a priority, as it has rejected the idea that sexually-transmitted disease control ought to be a priority.

Because the Indian Health Service is above all else a medical services branch, prevention and health education by definition play third fiddle to medicine. IHS has mastered the rhetoric of prevention, but their hearts are not in it. In the determination of how to handle funds for HIV/AIDS prevention, due consideration must be given to the fact that the IHS plays an important role in the delivery of health services to Indian Country, and that the existence of a structure which reaches to the local level provides an opportunity to channel funds where they are needed. The challenge with any funding for HIV/AIDS prevention through IHS will be how to overcome the bureaucracy's inclination to consume the lion's share of those funds before they reach their proper destination: the community.

I believe the facts I have outlined earlier regarding sexually-transmitted disease rates, substance abuse, seroprevalence and reported cases of AIDS justify the need for a focused effort to prevent the spread of HIV in our communities. I also believe that any funding tacked on to IHS' budget should have appropriations language which restricts how the funds may be used.

Specifically, I believe appropriations language should contain the following:

1.) An unambiguous statement that funds may only be awarded to

- Native community-based AIDS task forces (<u>not</u> IHS)
- IHS-funded Native substance abuse treatment programs
- Women, Infants and Children programs
- Pre-natal clinics
- Community health representatives programs

2.) That none of the money may be used to fund IHS clinical staff positions or administrators.

3.) That the purpose of the funds is primarily to encourage the integration of ongoing HIV/AIDS prevention education into existing programs and to provide resources for communities to

- Obtain technical assistance for planning
- Obtain training
- Purchase materials
- Fund AIDS health education positions

4.) That the priority for funding be to programs who show an understanding of which sub-populations are most affected by AIDS, i.e., gay/bisexual men, IV drug users and their sexual partners, heterosexuals with muitiple partners, people with other STDs and alcoholics.

5.) That IHS be required to report to Congress and the subcommittee how the funds have been allocated, to whom and to provide evidence that the letter and spirit of the appropriations language has been carried out.

If appropriations language cannot provide IHS with guidance on how the funds are to be used, I would suggest that alternate ways of providing HIV/AIDS prevention funds to local Native communities be considered. There is so much yet to do, so few resources and timing is so critical that we cannot afford to pour funds into a black hole and pretend we are doing something.

I have spoken here only of prevention funds. I do not wish to minimize the need at IHS for clinical funding for Indian people who are infected with the virus. Our citizens must have equal access to life-prolonging treatments which are currently available to non-Native citizens. The cost of AZT is approximately $3000 per individual per year under the new recommended dosage guidelines, and the cost of aerosolized pentamidine is approximately 1/3 of AZT. It is critical that IHS not be put in the position of having to deny treatment to otherwise eligible Native people with HIV infection.

Thank you for this opportunity to share my views. Please feel free to have your staff contact our agency if we can provide you with any further information.

1. Conway, G. & Hooper, E.Y., "Risk of AIDS and HIV Infection in American Indians and Alaska Natives," Abstracts of the V International AIDS Conference, Montreal, Quebec, June 7, 1989.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

TED LITTLEFIELD, SR., MAYOR, METLAKATLA INDIAN COMMUNITY
CARL COOK, JR., MEMBER, TRIBAL COUNCIL

Mr. DICKS. The Metlakatla Indian Community, Ted Littlefield and Carl Cook, Jr.?

Welcome.

Mr. LITTLEFIELD. Mr. Chairman, my name is Ted Littlefield, Sr. I am the mayor of the Metlakatla Indian Community, which is the only reserve in Alaska. Accompanying me is tribal council member Carl Cook, Jr.

We want to thank you for giving us an opportunity to appear before this committee to allow us to express the needs of our community. This reading does not cover all of the points as presented to you on the written statement, but adds a little more information to you about our community.

Mr. DICKS. We'll put your entire statement in the record, and you have five minutes to summarize it.

Mr. LITTLEFIELD. We appreciate it. Thank you.

The goals and objectives of our community council are to improve the economic and socio economic base, to provide a strong economy for more jobs, to create a stronger—excuse me, Mr. Chairman, I'm doing it for the first time——

Mr. DICKS. No problem. I understand. You're doing fine.

Mr. LITTLEFIELD [continuing]. Financial basis that we can work toward self-determination by becoming a more self-supporting community and to provide a new health clinic for better health services for our community.

As you know, we have received Federal funding in the past for projects such as a hydro plant and diesel plant, and also for a fish hatchery. I can say that both projects are working very well and are at maximum production.

Mr. DICKS. Good.

Mr. LITTLEFIELD. Although our diesel plant is not required as much, it is run to be cost effective so as to not produce expensive power but adds to our power system when power is needed and used near maximum when water is in short demand to run our hydros.

Although we have a long-term plan for our power system, the plan is fast becoming outdated because of the community's fast growth over the last 10 years. In home dwellings alone we have doubled in size. In population, the population has increased from 40 to 45 percent.

In our long-term plan we are looking at an inter-tie with the Alaska Power Authority and have already presented it as a capital projects improvement list which consists of $4.4 million.

As for the hatchery, the problem we face is that the hatchery is becoming too small because of the production of salmon. We have reached our capacity and have reached the first phase and complet-

ed it and are ready for the next phase to begin. Again, we turn to you for help.

Although the hatchery is self-supporting, it cannot generate the funds to do the major additions that are needed at this time. As a point of interest to you, the number of tagged salmon reported is approximately 40 percent that is caught away from the reserve. This does not include the high seas interception of our salmon.

Although I do not have financial or statistical data on both of these projects at this time, we can, at your request, in the future present them to you.

[Material was not supplied to the Subcommittee at the time of printing.]

Mr. LITTLEFIELD. The statements that were given to you were prepared by our lawyers. The data have come from our studies done by our tribal council in working with our community program directors on all our programs, most of which are covered by short-term studies that we now have in place in the form of an overall economic development program, also called an OEDP.

Also, I would like to point out to you that we have had support from the BIA area director from the Portland area, to whom we report, and have received support from our field office representative, Mr. Henry Alameda, who is located in Metlakatla.

Mr. DICKS. Okay.

Mr. LITTLEFIELD. With your help, we have narrowed down the list to 17 requests, of which 4 are new proposals. The first one is a credit and finance officer for $60,000. The second one is the fisheries enforcement for $172,000. The third is a court of appeals for $60,000. We are requesting each of these to be on a recurring basis. No. 4, the halibut fisheries, is for $30,000, which will be a 1991 test fishery.

The lists presented to the Committee are the most important from a long list of other projects and are presented because of the chance to provide good health to the community members of Metlakatla Indian Community and to provide and improve the stressed economic situation within our community.

We have another list which contains part of our capital improvements list that we have already presented to the State of Alaska. The list contains approximately $24 million worth of capital priority projects, of which we have so far received from our State only $150,000.

As we continue to face the dilemma of money shortages at both State and Federal levels, we will continue to try to finish our programs and priority projects.

In closing, we understand the decisions that you must make in the best interest of the whole United States. We have the greatest respect for you for wanting to serve your country to make it a better place for everyone.

Mr. DICKS. Good. Well, I've been up to Alaska many times, and I appreciate that the requirements and the needs up there are very serious. This Committee will take a very serious look at what you've proposed.

Mr. LITTLEFIELD. Mr. Chairman, on behalf of the Councilman Carl Cook, Jr., myself, and our community, we thank you for this time allowing us to present the statement.

Mr. DICKS. We appreciate your coming all this way.
Good. Excellent. Thank you.
[The prepared statement of Mr. Littlefield follows:]

STATEMENT OF THE METLAKATLA INDIAN COMMUNITY
BEFORE THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE
FY1991 BIA AND IHS BUDGETS
MARCH 14, 1990

Mr. Chairman, my name is Ted Littlefield. I am the Mayor of the Metlakatla Indian Community and with me is Mr. Carl Cook, Jr., a member of the Council. The Metlakatla Indian Community of the Annette Islands Reserve in Alaska, an Indian Tribe organized under the Federal Indian Reorganization Act, is pleased to have this opportunity to comment on our needs regarding the FY1991 Bureau of Indian Affairs and Indian Health Service budgets.

BUREAU OF INDIAN AFFAIRS

GENERAL COMMENTS. The proposed FY1991 BIA budget for Operation of Indian Programs, while larger than previous budget requests, is, nevertheless $17.3 million below the FY1990 appropriated level. The recently completed study, Trends in Indian-Related Federal Spending, FY1975-1991, done by the Congressional Research Service, documents that in 1982 constant dollars the BIA budget has declined dramatically. A $1.25 billion BIA budget in FY1975 is equivalent to a $875,000 budget in FY1991. This decline in constant dollars, however, is not the whole story, as that figure does not take into account the rapidly expanding Indian and Alaska Native populations. While the U.S. population as a whole has increased at a rate of 0.97 during the period 1975-1991, the Indian population has increased at an annual rate of 3.79 percent. The Metlakatla Indian Community is no exception to the rest of Indian country as our member population has increased 50% in the last decade.

Mandatory increases which must be absorbed by tribal and BIA programs are particularly difficult to cope with. Last year we had to absorb 100% of the costs associated with the Congressionally-mandated pay raise. The FY1991 BIA budget proposes that we absorb from program monies 60% of the expected pay raise. We ask that the FY1991 budget provide cover the entire pay raise.

CREDIT AND FINANCING. The Metlakatla Indian Community has an excellent opportunity for economic development suited to our environment, culture and skills with the development of the boat harbor. The Community is constructing a commercial mall on our harbor and in conjunction with that is making available parcels of land for development of commercial enterprises by members of our community. Because all of the Annette Island Reserve is tribal trust land, lending institutions are reluctant to provide credit to the Metlakatla Indian Community and our members. Furthermore, there is no BIA credit officer at Metlakatla and we are virtually unable to access this type of technical assistance from the Bureau. We are requesting that the FY1991 BIA budget provide $60,000 in Management and Technical Assistance funds to establish and maintain an accounting system for the existing revolving boat loan fund and for help to Community members in developing business plans and packaging loans.

FISHERY ENFORCEMENT FUNDING. The Metlakatla Indian Community has an exclusive fishery in the 3,000 feet surrounding the Annette Islands and fishing within reservation waters is subject to tribal and federal regulation. There is, however, only one seasonal, part-time enforcement officer to oversee the legal use of these waters. We have a serious and growing problem with year-round trespassing and poaching on our lands and waters by non-member fishermen and hunters. There is also a dramatic increase in the number of licensed gear-user groups within the Reserve waters. We have seen an increase in the number of gear-user groups from 47 in 1984 to 97 in 1989. In addition, we are starting an annual halibut fishery and hope to start a sea cucumber fishery, thus creating even more of a demand for enforcement officials. We request that the FY1991 BIA law enforcement budget contain $172,000 on a recurring basis for two enforcement officers (to be contracted under P.L. 93-638), for streamwatch and aerial surveys.

U.S./CANADA PACIFIC SALMON TREATY. The Metlakatla Indian Community receives funding through the U.S./Canada Pacific Salmon Treaty for assistance in implementing the provisions of that Treaty. We have received $63,000 each of the past three fiscal years, but need $165,900 in FY1991. Our job is to tag fish from the Tamgas Creek Hatchery and monitor deliveries at the Annette Island Packing Company for tagged fish. However, we are unable to tag at the rates desired or to expand our port sampling program of sockeye and chum salmon as requested by the Pacific Salmon Commission. Our production of fish from the Tamgas Creek Hatchery has increased by 400% since 1987, but we have not received one penny more with which to undertake tagging and sampling programs, activities which need to be increased to fully carry out responsibilities under the Pacific Salmon Treaty. An allocation of $165,900 from the BIA's portion of the Pacific Salmon Treaty would provide $66,150 (up from the FY1990 level of $63,000) for coded wire tag recovery and fishery monitoring and $99,750 in new money for coded wire tagging for stock identification necessitated by the large increase in the chinook, coho and chum salmon released from our Hatchery. As mentioned above, this is work which the Pacific Salmon Commission has requested. It is necessary in order to determine Canadian interception rates for our hatchery fish and determine the chinook salmon contribution to Alaskan fisheries for the purpose of calculating chinook "add on" numbers.

TAMGAS CREEK HATCHERY. We are requesting $1.5 million for construction of a jetty with net pens, floating dock and pier to complete the Tamgas Creek Hatchery. This is urgently needed because the Hatchery's net pen sea water rearing complex has exceeded its capacity for incubation, causing us to utilize limited fresh water space for this purpose. The fresh water space should be used for long-term rearing of Chinook and Coho salmon. Construction of a pier at the sea end of the jetty and a floating dock on the leeward side would provide necessary access to the net pens and allow for transfer of fish stocks to the net pens and loading out of adult fish.

HALIBUT FISHERY. With the assistance of the BIA we have recently completed negotiations with the Commerce Department and the International Halibut Commission to conduct a test to determine the commercial feasibility of having an annual halibut fishery in our reserved waters. We have calculated that $34,000 will provide us with the personnel and other costs necessary to determine the commercial feasibility of a halibut fishery, and request that the FY1991 BIA budget allocate funding for this purpose.

ROAD MAINTENANCE EQUIPMENT. Our road maintenance equipment consists of one 1956 Ford snow plow/sander and one 1956 Catepillar grader, both of which are inoperable part of the time. We sold for junk last month our 1956 Dodge dump truck and our 1956 John Deere backhoe. We request $170,000 for one each of the following equipment to upgrade and maintain our roads: snow plow/sander, mid-size backhoe, mid-size road grader and three-yard dump truck.

COURT OF APPEALS. We have a totally untenable situation at Metlakatla with regard to our Court of Appeals. Our three appellate magistrates and the clerk of the Court of Appeals have served without salary since 1987. The Appeals Court can only meet infrequently under these circumstances. It met twice each in 1987 and 1988 and once in 1989, with case loads of 25, 12 and 10 in those years. We do not believe the current operation provides our members with the deserved quality of justice. We request that the FY1991 BIA budget include funding on a recurring basis for the operation of the Court of Appeals for the Metlakatla Indian Community. Our estimate of this cost is $60,000.

GENERAL LIABILITY COVERAGE. We are very disappointed that the BIA and IHS have not yet issued guidelines for the implementation of the Congressional directive contained in the FY1990 Interior Appropriations Act to provide general liability coverage for P.L. 93-638 contractors through extension of the Federal Tort Claims Act coverage. As a result, tribes have not been able to utilize what was intended by this Committee to alleviate the need for

tribal contractors to purchase expensive general liability insurance. We request your assistance in getting the guidelines issued and in providing a mechanism to permanently provide general liability coverage for tribal contractors.

GENERAL ASSISTANCE. The Metlakatla Indian Community was very active last year in advocating the deletion of appropriations language which prohibited the BIA General Assistance program in Alaska. We thank this Committee for its support on this matter. We filed a written request on December 1, 1989 with the BIA asking that the General Assistance program be made available to eligible Alaska Natives. The request was to provide the mechanism by which the BIA would then make a formal determination on whether Alaska meets the criteria for the BIA program. We still do not have a decision from the BIA, and are informed that a recommendation has still not been made by the BIA Social Services office to Assistant Secretary Brown regarding this matter. The proposed FY1991 General Assistance budget makes no provision for Alaska. We ask that you urge the BIA to make a decision quickly on our request and that an appropriate amount of funding be appropriated for both FY1990 and 1991. Metlakatla is, as you know, part of the BIA's Portland Area. We understand that the Portland Area has already exhausted its FY1990 allocation of General Assistance money, as the BIA significantly underestimated the costs associated with the recent implementation of the program in Oregon and Washington.

INDIAN HEALTH SERVICE

GENERAL COMMENTS. The proposed FY1991 IHS budget proposes a $100 million increase over the FY1990 appropriated amount for the Services portion of the IHS budget. This amount, however, would only partially cover mandatory increases which programs had to absorb last year and would not keep up with the 8.4% medical inflation. Last year IHS and tribal health programs absorbed not only 100% of the pay raise, but also absorbed $10 million in special payments to Commissioned Corps physicians. The FY1991 budget provides that we absorb 50% of the expected pay increase and fails to build into the base the ongoing costs of pay raises for Commissioned Corps physicians or budget any funding for FY1991 special Commissioned Corps payments.

While there has been a modest increase in the IHS budget from 1975 to 1991 in constant 1982 dollars, the increase does not take into account the expanding service population or the full impact of inflation. The Congressional Research Service paper mentioned earlier shows that federal spending on health matters nationally has risen 4% from FY1975-1991 based on constant 1982 dollars, while federal spending on health services for Indian and Alaska Native people, who have the poorest health status of any segment of our society, has risen only 2%.

OUTPATIENT CLINIC. The Metlakatla Indian Community urgently needs a new outpatient health clinic. The IHS Area Office has ranked the Metlakatla Clinic <u>first</u> on their list for replacement and has urged that IHS take immediate action, but we have been unable to get on the national IHS priority construction list. A February 1988 environmental health survey of our clinic documented severe design and operational problems with the clinic which include the following: a serious "dry rot" problem with the wooden structure; only one approved exit; rooms and hallways so small that it is very difficult to move patients, need for air conditioning so that the incubator in the laboratory will not get too warm; unsafe sanitation and electrical systems.

We have not received any clear answers why we are not on the IHS priority list, but the most recent explanation is that the IHS priority system has been "frozen" while the Senate Select Committee on Indian Affairs studies the IHS facilities construction program. Senator McCain has scheduled a

hearing on "alternate" IHS facilities, but no legislation dealing with Indian health facilities has even been introduced in the House or Senate.

Should Congress not provide funding for immediate planning, design and construction of a health clinic, then we would like to discuss with you the possibility of authorizing IHS to lease facilities for the Community so that we can attempt to make appropriate credit arrangements for construction.

As you consider our request for planning and design money for an outpatient clinic, we ask you to keep in mind that live on an island with no hospital and only one very inadequate and unsafe clinic. The weather in southeastern Alaska is such that we are often cut off for days or weeks from outside health service resources.

CONGRESSIONAL INCREASES FOR CONTRACTS AND GRANTS. Congress provided in FY1990 $19.8 million for increased costs of health care provided under contracts or grants. This is the amount built into the FY1991 base budget for this purpose. If the $19.8 million actually is distributed to tribal contracts and grants, it would provide a 6.92% increase. We understand from information provided by IHS officials that the entire amount will not be allocated to tribal grants and contracts. It appears that IHS has made the decision to spread the $19.8 million throughout the budget -- to both IHS and tribal programs with the result being that we actually expect to receive only a 4.9% increase, not the 6.92% increase intended by Congress. Not all funding allocations have yet been made, and so we ask this Committee's assistance in ensuring that funds provided by Congress for tribal contractors actually get to us. We would also ask that the FY1991 appropriations act contain explicit language about this matter.

COMMUNITY HEALTH AIDE PROGRAM. We appreciate the increases provided to the Community Health Aide Program in the past two fiscal years. The services of these health aides in rural Alaska is truly a life and death matter. We understand that an additional $13 million is needed in order to bring the funding level to $28.7 million, the amount needed to meet the training needs of 448 FTEs

REGIONAL TREATMENT CENTERS. Alaska has two regional substance abuse treatment centers for youth, one in Sitka and the other in Fairbanks. While these centers are operational, they must be renovated. Even with some available renovation funds, the shortfall is $300,000 and we request that this amount of money be appropriated.

CONTRACT CARE. We are not convinced that the Administration's $250 million request for contract care is adequate. It is a 5.6% increase over the FY1990 appropriated amount, but the increase is only to cover built-in costs. The FY1991 budget justification gives no estimate on the FY1990 shortfall in contract care, and we ask that this Committee attempt to get that information. In late FY1989, after many months of reported shortages, $3 million was reprogrammed into contract care. We have many reports of postponed treatment when contract health care funds are rationed or exhausted, but there is little information from IHS on the actual need for such funds.

We are pleased that Congress has seen fit to fund the Catastrophic Emergency Health Care Fund in the past several years and that an increase has been requested by the Administration for this program in FY1991.

Thank you for your attention to our concerns. We have detailed justifications for each of our budget requests which are too lengthy for this testimony, but we will be glad to share this information with the Committee and respond to any questions.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

ROD COWAPOO, CHAIRMAN, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

JOHN PLATT, TRIBAL POLICY DIRECTOR

Mr. DICKS. The Columbia River Inter-Tribal Fish Commission, Rod Cowapoo and Ted Strong?

Mr. COWAPOO. Mr. Chairman, my name is Rod Cowapoo. I'm a member of the Umatilla tribe and chairman of the Columbia River Inter-Tribal Fish Commission. With me is John Platt who is the tribal policy director.

Thank you for inviting our testimony. I will keep my remarks short since we have provided written testimony.

Mr. DICKS. Your statement will be placed in the record, and you have five minutes to summarize.

Mr. COWAPOO. We appreciate the support that this Committee and Congress has provided our effort to rebuild the basin's salmon resources. In the President's budget for fiscal year 1991, the Bureau of Indian Affairs has proposed that our base budget be continued. However, the Commission needs additional funds to support tribal involvement in several matters key to our fishery management programs. These additional efforts include the Snake River water adjudication, implementing fishing access sites legislation, and cooperative efforts with the Forest Service to protect salmon habitat consistent with other fishery rebuilding efforts in the Pacific Northwest.

Additionally, the Commission wishes to expand its public involvement effort and assist tribal fishermen in search and rescue activities.

That's all I have.

Mr. COWAPOO. Do you have any questions of John Platt?

Mr. DICKS. What are the main priorities now?

Mr. PLATT. Mr. Chairman, the major priorities include working with regions 1, 4, and 6 of the Forest Service to provide a strong technical framework for identifying data gaps on riparian habitat management. Also, we need assistance to the tribes and to the Commission to be involved in the Snake River adjudication in order to provide flows for the chinook salmon, particularly in the Snake River, that have some very serious declines.

There's also an amount of $300,000 for the tribes and for the Commission to be involved in three very important pieces of legislation. One, the fishing access site legislation, wild and scenic river legislation, omnibus wild and scenic river legislation that Senator Hatfield and Congressman AuCoin pressed for previously, and then the Gorge Planning Act.

Two other items include assistance with public involvement to deal with anti-Indian activities in the Northwest. That's the "Treaty Beer" questions that have been raised in the last few months in Washington and Oregon, and, secondly, an amount of $25,000 for search and rescue efforts that have been previously run

by Indian fishermen on a volunteer basis, but where there has been no training. There's not been money available for gasoline, telephones, those kinds of things when fishermen are lost as a result of activities, for instance, on the Klicki and some of the other rivers in the basin.

Mr. DICKS. Okay. Well, that's a very succinct statement, and we appreciate your both being here today and the very important work you're doing out there in restoring that fishery. It's very important for our part of the country.

Mr. PLATT. Thank you very much. Thank you for your help, sir.

Mr. DICKS. Right.

[The prepared statement of Mr. Cowapoo follows:]

TESTIMONY OF
ROD COWAPOO, CHAIRMAN
COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

BEFORE THE

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
MARCH 15, 1990

Mr. Chairman, my name is Rod Cowapco, I am Chairman of the Columbia River Inter-Tribal Fish Commission. The Commission is made up of the Fish and Wildlife Committees of four tribes that have, by treaty with the United States, reserved rights to fish on the Columbia River and its tributaries.

For centuries prior to the coming of European settlers, our people gathered by the River to harvest the great runs of salmon as they returned from the sea. The fish are not only a source of food for our people, they are at the center of our religious and cultural lives as well. That is why the tribal members who signed the treaties with representatives of the U.S. Government in 1855 were willing to cede land areas but reserved their rights to fish at their "usual and accustomed places."

Our rights to fish have been tested in the courts, and, as you know, we have prevailed. But the rights would be meaningless if there were no more fish in the rivers. Since the treaties were signed, we have come to share the Columbia River Basin with millions of non-Indians. Modern society has put pressure on the lands and the waters. To make our treaty rights live, we have joined forces with others who wish to maintain the Columbia as a living river that will provide sustenance for all of us.

The Columbia River Inter-Tribal Fish Commission is an essential element in our struggle to maintain the natural resources of the Columbia River. The salmon, the most important of the resources we are trying to protect, need clean water for spawning, a strongly flowing river to wash the young fish out to sea, passage around the turbines of the dams, and protection from the nets and hooks of fishermen from Alaska to the Bonneville dam.

To meet the environmental needs of the fish, the Commission staff has been working with the Forest Service on modifying the National Forest plans to protect spawning areas from being silted over. Working with the Forest Service, they have developed a set of "desired future conditions" that will be

factored into timber management plans. Implementation of this program is scheduled to begin this year but the Commission and its member tribes will not have sufficient funds to assist in implementation unless the Commission's budget is increased accordingly or funds are appropriated to the Forest Service to contract with the Commission for technical services. We are requesting $300,000 for these activities, with $100,000 allocated to the Commission and $200,000 to the four Commission tribes.

To provide the flows necessary to move the young fish out to sea, CRITFC worked with all of the water interests in the basin and the federal agencies on an agreement on how much water needs to be spilled over the dams. This agreement, an alternative to costly and protracted litigation, has been agreed to by most of the major water and power interests in the basin as well as the tribes and the state fish and wildlife agencies. We have also joined with other interests in the Northwest in pressing for by-pass facilities around the dams to improve the survival rate of downstream migrants without the necessity of spilling as much water.

Nonetheless, the problem of providing flows in the Snake River for migrating juveniles is under consideration in the context of the Snake River water adjudication. In order to protect the interests of our member tribes, the Commission is in need of an additional $300,000 to provide technical expertise at both the Commission and tribal levels.

We are working with the Northwest Power Planning Council, the Bonneville Power Administration and all of the fish and wildlife agencies in the basin on plans to restore the fish in the tributaries of the basin. This process, known as "subbasin planning" will provide an integrated approach for restoring and protecting salmon runs in the tributaries.

CRITFC, at the request of former Senator Dan Evans, also played a critical staff role in the resolution of a fifty year dispute regarding fishing access sites lost as the result of the flooding caused by the construction of the Bonneville Dam. Legislation establishing a number of sites for use by Tribal fishermen was passed in the 100th Congress. This legislation will not only benefit the fishermen, it will also help to ease congestion at boat ramps and other access points on the increasingly popular Columbia Gorge area.

Last year the Congress included $200,000 to permit the Commission and its member tribes to participate in the implementation of this legislation which, according to the Corps of Engineers, may take up to thirteen years. In order to hasten the implementation of the access site legislation thereby lessening costs, the Commission needs to continue its implementation efforts to completion of site acquisition and improvement. As in FY 1990 the FY 1991 Bureau budget contains no funds for these activities. We are requesting $300,000 for FY 1991

to carry out this important work, with $40,000 allocated to Commission staff to assist with these efforts and help avoid conflicts with the Columbia Gorge plan development.

Additionally the Commission wishes to assist tribal fishermen in search and rescue activities which have been inadequately funded with private donations from fishermen. The funding for this assistance totals $25,000.

Mr. Chairman, since its creation in 1977, the Commission has attempted to inform the public of the importance of Indian treaty rights and the positive impact such rights can have for non-Indian citizens. Nonetheless, we still see anti-Indian hatred expressed in such ways as the production of "Treaty Beer" by anti-Indian sports interests. In order to deal with these questions, we are requesting an additional $40,000 added to our base budget for public information efforts.

While new funds were appropriated for the Shoshone-Bannock tribal attorneys' fees for FY 1990, the member tribes of the Commission have also incurred increased litigation costs, which, however, were unfunded. These costs are anticipated to continue in FY 1991. The individual tribes will forward their requests to the subcommittee.

Finally, Mr. Chairman, CRITFC works on allocation of the harvest of salmon, steelhead and sturgeon. These fish are of tremendous importance to Indian and non-Indian, commercial and sport fishermen throughout the Northwest. We have moved in this process from confrontation to co-management. A large reason for that change is that we have much better data about the fish than before. The negotiations are still difficult, but they are now based on sound data and analysis. Our biologists, and the research and analysis that they provide, make the difference between emotional confrontations and sound resource management decisions.

Our efforts, along with those of others in the Columbia Basin, are having a remarkable effect. Fish are coming back to the Columbia and the tributaries. Last year, for the first time in years, coho salmon returned to the Umatilla River.

We appreciate the support that this Committee and Congress has provided to our joint efforts to protect these resources.

That concludes my prepared testimony, Mr. Chairman. Once again, I would like to thank this Committee for the support that you have given tribal governments in their efforts to protect their natural resources.

WEDNESDAY, MARCH 14, 1990.

BUREAU OF INDIAN AFFAIRS, U.S. FISH AND WILDLIFE SERVICE

WITNESSES

GUY McMINDS, CHAIRMAN, U.S. SECTION BUDGET COMMITTEE, PACIFIC SALMON COMMISSION

KATHRYN BRIGHAM, MEMBER OF THE SOUTHERN PANEL AND MEMBER OF THE UMATILLA TRIBE

JEFF CURTIS

Mr. DICKS. Guy McMinds, U.S.-Canada Pacific Salmon Commission?

Guy, we welcome you here today and appreciate the fine work you've done over the years as a tribal commissioner, and also the fact that you've kept us well briefed on these important issues over the years. I just want to welcome you here today.

Mr. MCMINDS. Because of that, Mr. Chairman, and the lateness of the hour, I just want to really summarize very quickly what's going on.

But, I want to introduce two people that are very important to the Pacific Salmon Commission activity in the Northwest. On my left is Kathy Brigham. She is a member of the southern panel and a member of the Umatilla tribe. The other one is Jeff Curtis. Jeff is the one that prepares the United States section of the Pacific Salmon Commission funding briefing book every year. This book contains the funding request to the Congress for the United States State Department, the United States Department of Commerce, the United States Department of the Interior, and the Yukon area.

We're here just simply to address the Bureau of Indian Affairs portion of the budget with some minor modification. We are promoting a very important $62,500 for the Fish and Wildlife Service this year in addition to the Interior Department budget. That money is very important because in the bilateral negotiations with Canada, we've come up with a system of keeping the databases of both countries, the fisheries databases, in two spots, one in Canada that will be in the Department of Fisheries and Oceans, and one in the United States that will be in the Pacific Marine Fisheries Commission.

Now the data will be gathered by the Fish and Wildlife Service, and they will be the contractor. That's why that request is in the Fish and Wildlife Service.

Additionally, our budget request, of course, is coordinated with the President's budget, and we appreciate the Bureau's increase this year. We are only requesting $198,000 over and above the Bureau's request. The main reason for that is because of the fact that the tribal sections have not requested increases for inflation last year. That's the basic reason for it, plus there's $100,000 in there for the Metlakatla community for their assistance in the northern area technical committee.

Since you're well aware of what's going on, I think that concludes our testimony, Mr. Chairman, unless you have any questions.

Mr. DICKS. Well, we appreciate that.

Why don't you tell us what the general status of the treaty between the United States and Canada on salmon interception—what generally is happening these days? Where are we on implementation? What's going on?

Mr. MCMINDS. Well, this year, as you know, we've stalemated in our negotiations. We are reconvening the second week in April in Seattle to try to get unstuck from the stalemate.

Mr. DICKS. What are the major issues?

Mr. MCMINDS. Major issues are chinook, we're stalemated on chinook. The major issue there is increases in Alaska and Canada.

Mr. DICKS. Do the Canadians want to take more of our chinook?

Mr. MCMINDS. That's right.

Mr. CURTIS. Mr. Chairman, part of the request here is for funding for coded tag data. Part of the stalemate revolves around the fact that we don't know whose fish they are. The coded tag data provides information of whose fish are caught and in which waters. Without that information, of course, people fumble around in the dark and the debates are much more heated. If we knew—the more data we have, the more scientific the debates become and the easier they are to resolve. But we still are far from having all of the information we need to reach a fair allocation of the fish.

Mr. DICKS. Has there also been an issue on coho, too?

Mr. MCMINDS. Yes, there's wide disagreement on the figures on both chinook and coho, about the catch figures, the catch proportions of fish that each country takes of the other country's fish. That's the reason why more information is needed. We just don't have enough tag information to make those judgments.

Mr. DICKS. Okay. So getting some data would be helpful to both sides in the sense of getting through speculation and down to the realities here; is that correct?

Mr. MCMINDS. Right.

Mr. CURTIS. Yes, sir. If I could point out—in this budget there's a lot of money for placing tags in fish through the tribal hatcheries and various places, but we also need money through the Department of Commerce for collecting those tags in some of the ocean fisheries and the other fisheries for the Washington Department of Fisheries, and that's something that we'll be talking to the Commerce subcommittee about.

Mr. DICKS. Right. We've testified usually in favor of that and try to work with that committee because the funding is divided in several subcommittees in appropriations.

But we appreciate the work you do. It's an important agreement and it's an important issue, and there's a lot of different players in it, but you're one of the most significant ones. We appreciate that.

Mr. MCMINDS. Finally, I'd just like to thank you for the courtesy you've shown the Indian people during this testimony today.

Mr. DICKS. Well, my regret is that we are unable to do as much as we should be doing in this area. I'm talking about all the tribes now. I've been on this committee now—oh, this is the start of my 14th year, and I think we've made tremendous progress under the leadership of Chairman Sid Yates, who has been at the forefront, and obviously Senator Inouye from Hawaii has been a very powerful force on the Senate side. So, I'm hopeful that, as we get our

budget problems resolved, we'll be able to treat the issues that we've heard here today in a more decent and basic way.

We've tried to do our best with very limited resources. This bill is very small in comparison to a lot of other bills that come before the Congress, but these are very important issues, whether it's health care or education or taking care of natural resources, which is what you're interested in.

I have appreciated the good relationship I've had with the tribes in the Pacific Northwest, especially the State of Washington, and the fact that you've come in and tried to help educate me on these issues. These are important issues, and we have done our best—and our staff on this committee has been outstanding in this area—in trying to go through each of the tribe's concerns and to do as much as we can with the limited resources that we have.

I appreciate the patience of people who waited here all day to testify. We've tried to run this thing as expeditiously and fairly as possible. I think it's been good. We look forward to working with you all in the future.

Mr. McMINDS. We thank you and your staff, Mr. Chairman.

Mr. DICKS. Good. All right. Thank you.

We'll recess until 10 o'clock tomorrow.

[The prepared statement of M. McMinds follows:]

TESTIMONY
OF
GUY MCMINDS
CHAIRMAN, U.S. SECTION BUDGET COMMITTEE
PACIFIC SALMON COMMISSION
BEFORE THE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
MARCH 14, 1990

Mr. Chairman, my name is Guy McMinds and I am the tribal commissioner on the Pacific Salmon Commission established by the Treaty between the U.S. and Canada on salmon interceptions. I am appearing before you today in my role as chairman of the U.S. section of the budget committee.

Before I proceed, I would like to present the Committee with a copy of the proposed budget prepared by the the U.S. Section for implementation of the Treaty. It details budgets for Federal, State, and Tribal agencies involved in the Treaty.

Mr. Chairman, the U.S.-Canada Salmon Interception treaty is essential for the wise management of the salmon of the Northwest. For example, the fall chinook salmon from the upper Columbia River are caught in large numbers in Alaskan and Canadian waters. Sockeye salmon from Canada's Fraser River are caught by Indian and non-Indian fishermen in the Strait of Juan de Fuca and in Puget Sound. Washington Coastal coho salmon are caught by Canadian trollers off of the west coast of Vancouver Island. In the Northern boundary area between Canada and Alaska, fish from both countries are intercepted by the other in large numbers.

In the past, without a treaty, fish wars often erupted with one or both countries overharvesting fish that were returning to the other country, to the detriment of the resource. At the time the Treaty was signed, chinook salmon were in a severely depressed state as a result of overharvest in the ocean as well as environmental degradation in the spawning rivers. Both parties have committed to

rebuild the depressed runs of chinook stocks by 1998. Under the rebuilding program, some stocks are well on the way to being rebuilt and we are beginning to see the benefits of the Treaty. The return of the salmon is also giving added emphasis to the protection of the rivers in which the salmon spawn and has benefitted environmental protection efforts in both countries.

The budget book contains the justification for the funding we are requesting. All of the funds are desperately needed for data collection and research directly related to the implementation of the Treaty and are used in cooperative programs involving Federal, State, and Tribal fishery agencies and the Department of Fisheries and Oceans in Canada. The monetary commitment of the United States is matched by the commitment of the Government of Canada.

The cost to manage this resource is small compared to the value of the salmon to the economies of both countries. The annual commercial harvest of salmon subject to the treaty is worth more than $500 million and the value of the recreational fisheries is also immense. And, as we have stated here often, the value of these fish to the tribes of Oregon, Washington, and Idaho goes far beyond their monetary value and reaches the cultural and religious lives of Indian people.

The amount we are requesting for implementation of the Treaty by the tribes that are members of the Northwest Indian Fish Commission and the Columbia River Inter-Tribal Fish Commission includes a five percent increase to cover inflationary costs. We did not request any increase last year for inflation. We are also requesting an increase in the BIA appropriation for increased participation of the Metlakatla Indian Community in Alaska. As you know, their hatchery production has increased dramatically and will continue to increase in the future. To date, they have participated in the Treaty deliberations in only a limited manner. We have recently appointed one of their biologists to the Northern Boundary Technical Committee. The increased funding will pay for greater participation of the Tribe in the Commission deliberations and for increased fish tagging of their hatchery fish.

We wish to commend the BIA for increasing their request from $2 million to $2.597 million. Unfortunately, that is still less than the amount needed for effective implementation of the treaty by the tribes. The U.S. Section of the Pacific Salmon

Commission has recommended an appropriation of $2.795 million, $198,000 over the BIA request.

Mr. Chairman, although this is not the appropriate hearing for this request, the U.S. Section of the Salmon Commission is also requesting that the U.S. Fish and Wildlife Service be appropriated an additional $62,500 for the maintaining the U.S. data base for the Treaty. We have agreed with Canada on developing a common data base for both countries. In the U.S., this data base will be housed at the Pacific Marine Fisheries Commission in Portland. The Fish and Wildlife Service will contract with the PMFC to provide this service.

Mr. Chairman, that concludes my prepared testimony. I want to thank this Committee for the support that you have given us in the past. I will be glad to answer any questions you may have.

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE

WITNESS

SHERMAN HOLVEY, M.D., PRESIDENT, AMERICAN DIABETES ASSOCIATION

Mr. DICKS [acting chairman]. Why don't we go ahead and start. Nice to have you here.

Dr. HOLVEY. Thank you, sir.

Mr. DICKS. I'll give you a head start on the morning.

Dr. HOLVEY. I'm happy to do that.

Mr. DICKS. We'll put your statement in the record. I'll just announce that what we're going to do is stay on this schedule. We will give everybody a chance to put their entire statement in the record and then about five minutes to summarize it.

Doctor, we're glad to have you here. We look forward to your statement.

Dr. HOLVEY. Thanks very much, Mr. Dicks.

I'm Dr. Sherman Holvey, the president of the American Diabetes Association.

Mr. DICKS. We're honored to have you here.

Dr. HOLVEY. Thank you. The American Diabetes Association is the largest voluntary health agency. It represents the medical research and the health care interests of more than 11 million Americans with diabetes. We're pleased to present our views on the fiscal year 1991 appropriations for the Indian Health Service.

Diabetes among native Americans is significantly more severe than for any other U.S. population group.

Mr. DICKS. Why is that?

Dr. HOLVEY. Because the American Indian, native Americans, have problems with obesity, they have problems with nutrition, and because diabetes is a genetic disease. It is transferred through families. As a matter of fact, it is such a growing problem that 50 percent of one of the native American tribes, the Pima Indians, half of their tribes have diabetes.

They not only suffer disproportionately from the incidence of diabetes but from the complications. Those complications are heart disease, kidney disease, amputations, blindness, and even death. The treatment for kidney failure, for example, is particularly costly. The annual cost for treating the current population in American Indians is over $10 million annually just for kidney disease alone.

Indians have 75 percent of their population having amputations as a result of diabetes. The annual hospital-related costs——

Mr. DICKS. You mean 75 percent——

Dr. HOLVEY. Seventy-five percent of the people who have amputations have diabetes.

Mr. DICKS. Okay.

Dr. HOLVEY. Seventy-five percent of all amputations in Indians result from diabetes.

Diabetes causes a lot of need for going to the outpatient facilities and to hospitals for care and for treatment. Fortunately, nowadays we know that there are treatments that we can do to prevent those complications, but the problem is reaching the people who have diabetes, reaching those native Americans who have diabetes.

Through the recommendations of the National Diabetes Advisory Board and your Committee here, there have been established model health care programs called Centers of Excellence, so we already have established some centers of excellence. The problem is that we're not reaching enough of those people through the work that we do.

We've established multi-disciplinary teams on each site that we can get to to develop programs that are dealing with education, with complications, with counseling and with nutrition, and also in other health problems that are related to diabetes like hypertension, urinary tract infections, and foot care.

We appreciate the fact that this Committee has funded the centers of excellence and that the Indian Health Service has done such a wonderful job of developing these model programs for their population. The fact of the matter is that we have to reach larger numbers of these underserved native Americans and extend the service of these centers that we have developed and these models throughout the centers, throughout the Indian Health Service, to get more people more opportunity for treatment.

The long-range plan recommended a total appropriation of $7.9 million for this Indian Health Service program. The current program level that we have now is $5.4 million. The remaining $2.5 million should really be appropriated to help the Indian Health Service to implement these needed, recommended activities.

The American Diabetes Association is recommending that an additional $2.5 million be appropriated to the Indian Health Service in fiscal year 1991 for this.

We really appreciate the opportunity to submit this testimony. We owe a lot to your Committee for allowing us to proceed with these centers of excellence. With additional help, the thousands of people who are now being reached will be increased by many thousands.

Mr. DICKS. Would the addition of $2.5 million mean we'd be able to deal with all the problems, or is that still going to leave us far short?

Dr. HOLVEY. It will significantly increase the numbers of people we can reach. The problem, of course, is greater than that because of the scattering of Indians throughout the community. The advantage is that if we develop centers where knowledge can be obtained, it can then be delivered in the peripheral areas by those people who are trained and learned and by the programs that we develop. I think it is a ripple effect. In time, we hope that the underserved population will get what they need.

Mr. DICKS. Okay. Thank you for a very good statement. We appreciate your being here and being willing to start early.

Dr. HOLVEY. Thank you very much.

Mr. DICKS. Thank you.

[The prepared statement of Dr. Holvey follows:]

TESTIMONY

of the

AMERICAN DIABETES ASSOCIATION

on

FISCAL YEAR 1991 APPROPRIATIONS
FOR THE INDIAN HEALTH SERVICE

Subcommittee on Interior and Related Agencies
U.S. House of Representatives
March 15, 1990
10:00 a.m.

Presented by: Sherman M. Holvey, M.D.
President
American Diabetes Association

Mr. Chairman, I am Sherman M. Holvey, M.D., President of the American Diabetes Association (ADA). ADA is the nation's largest voluntary health agency comprised of 58 state affiliate associations, 800 local chapters, and 220,000 lay and professional members. ADA, which represents the medical research and health-care interests of more than 11 million Americans with diabetes, is pleased to present its views on fiscal year (FY) 1991 appropriations for the Indian Health Service (IHS).

Diabetes is a disease in which the body does not produce or respond to insulin, a hormone needed for daily life. There are essentially two types of diabetes. Type I, or insulin-dependent diabetes, affects about 1 million people in the United States and usually strikes children or adolescents. This type of diabetes results from the complete destruction of the insulin-producing cells in the pancreas and requires one or more daily injections of insulin to sustain life. Type II, or non-insulin-dependent diabetes, affects nearly 11 million people in the United States and usually occurs in adults over the age of 40. This type of diabetes may or may not require insulin for treatment.

Diabetes among Native Americans is significantly more severe than in any other U.S. population group. Prevalence rates of greater than 20 percent of the adult population have been reported in many tribes extending from Arizona, New Mexico, and Nevada to New York and North Carolina. The problem also is growing in Alaska and the Pacific Northwest, in the northern and southern plains, and in California and Florida. A startling 50 percent of Pima Indians in this country over the age of 35 have diabetes.

Not only do Native Americans suffer disproportionately from the incidence of diabetes, they also suffer disproportionately from the complications. Treatment for renal failure -- kidney dialysis and kidney transplantation -- is particularly costly. The annual costs of treating the current patient population of American Indians for kidney failure is over $10 million and increasing rapidly. American Indians with diabetes account for approximately 75% of all amputations within the Indian Health Service. The annual hospital-related costs for these amputations is $3 million exclusive of the costs of rehabilitation and disability. Diabetes is the second leading cause of outpatient visits to IHS facilities. It is clear that health-care costs will increase significantly if IHS fails to develop early prevention, diagnosis, and treatment of diabetes.

Fortunately, prevention and treatment strategies are now available to reduce the rate and severity of some of the complications of this disease. However, these services are not reaching most of the Native American population. Through the recommendations of the National Diabetes Advisory Board and the foresight of your Subcommittee, model diabetes care and education programs, called Centers of Excellence were established at existing health service facilities. They were designed to develop and evaluate culturally-acceptable methods for bringing prevention and treatment services to people at greatest risk for diabetes and its complications. This Subcommittee provided additional funds to initiate the Centers. Twelve such Centers have been established and by the end of this fiscal year, five more will be up and running.

Multidisciplinary teams have been established at each site to intensify preventive services and to develop a comprehensive diabetes care plan that includes routine screening for complications, patient education and nutrition counseling, and attention to related conditions such as hypertension, urinary tract infections, and foot care. Considerable progress has been made at these sites in delivering high-quality, culturally-acceptable diabetes care.

We applaud the efforts of this Subcommittee for funding the Centers of Excellence and for the IHS in implementing these excellent Centers. However, the model programs only serve about 10 percent of the IHS population. Modest but critical outreach activities have begun to transfer effective treatment strategies to other service units. But requests for education, training, and assistance far exceed the available personnel and resources of the small core program staff.

When the National Diabetes Advisory Board (NDAB) revised the National Long-Range Plan to Combat Diabetes in 1987 the following IHS activities were specified.

- Establish health-care programs for patients with diabetes in each service unit, implementing state-of-the-art standards of care, quality assurance, training, and surveillance of related data.

- Establish registries of patients with diabetes at each IHS service unit to track trends in the prevalence and incidence of diabetes and its complications.

- Using IHS referral hospitals, establish Centers of Excellence to provide state-of-the-art care for complications of diabetes, including eye disease, end-stage renal disease, and peripheral vascular disease.

- Establish diabetes patient education programs in all IHS areas that are specifically designed for Indian patients and targeted to multiple reading levels and local languages.

- Establish a full-time diabetes control officer in each IHS area to conduct training programs, provide consultation, and coordinate data collection, and analysis.

The 1987 Long-Range Plan also specified objectives for screening and preventive care activities for pregnant women with diabetes, tribal and model school programs in Indian communities, annual training of community health representatives in diabetes and preventive care, and coordination of methods and experience with the Centers for Disease Control.

The Long-Range Plan recommended a total appropriation of $7.9 million for the IHS diabetes program. The current program level is $5.4 million. The remaining $2.5 million should be appropriated to enable the Indian Health Service to implement the recommended activities.

In summary, ADA recommends that an additional $2.5 million be appropriated to the Indian Health Service in FY 1991 to implement the diabetes treatment and control programs specified in the NDAb National Long-Range Plan.

ADA appreciates this opportunity to submit testimony. We owe much of the progress in diabetes prevention and treatment at the Indian Health Service to you, Mr. Chairman, Members of this Subcommittee, and Congress in general. Without your leadership in recognizing the benefits of the Centers of Excellence, thousands of American Indians would not receive adequate or proper care for their diabetes. With your help, we can realize this benefit for thousands more.

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE

WITNESS

HARMON KATZ, D.D.S., AMERICAN DENTAL ASSOCIATION

Mr. DICKS. Dr. Harmon Katz, the American Dental Association? Welcome.

Dr. KATZ. It's good to be here.

My name is Harmon Katz. I'm a practicing dentist in New Brunswick, New Jersey and currently chairman of the American Dental Association's Council on Governmental Affairs and Federal Dental Services.

I appreciate this opportunity to testify this morning.

We have submitted our written testimony. In the time allotted, I will address what I believe are the most salient points.

Mr. DICKS. Thank you.

Dr. KATZ. Over the past quarter century, representatives of the American Dental Association have conducted evaluations at every Indian Health Service site. In 1988, I personally participated in a visit to facilities serving the Navajo Tribe. I believe there is no question that the Indian Health Service has made remarkable progress given their limited resources in addressing the oral health needs of the native American peoples.

You can see from the results of the 1984 studies reported in our statement that the needs are enormous. We expect, as the Service expects, when current data become available, improvements in at least some of these distressing conditions will be evident. I believe it is fair to say that even with these expected improvements comparability with the oral health status of the population at large is a long way off. There are many reasons for this surely, but one inarguable one is inadequate resources over the years.

I believe it is also fair to say if the general oral health status of the Americans today were even remotely like that of the oral health status of the American Indians, the clamor to do something about it at any cost would be deafening.

Current funding for dentistry in the Indian Health Service is $43 million; $33 million in direct care and $10 million in contracted care. For the population to be served, one whose oral status was comparable to that of the U.S. population at large, that funding would have to be doubled to meet its dental needs. Doubling present funding would represent a per capita expenditure for dental care of Indians of $84 as opposed to approximately $160 expended per capita in the total population.

We believe funding at this level would be a reasonable target because, as noted in our statement, there are some other sources of funding for dental care, although probably quite limited.

We are not discussing a population with average oral health needs. We're discussing a population with enormously untreated disease. In response to our inquiries, IHS has advised that it would take $52 million immediately just to address the severe oral health conditions that are a result of continued deferral of services, in other words the backlog of needs. Addressing this treatment back-

log would fall, in substantial part, to the Service itself in order to assure the most immediate access for these patients.

At the same time, individuals with identified accumulated dental needs can often arrange for treatment in the private sector, even when transportation to dental offices some distance away may be arranged. This can only be done if there are adequate contracting resources to pay for the care.

To the extent that contracted care is available, the present situation of long waits for appointments for routine preventative and limited restorative services in IHS dental facilities is alleviated.

I would mention, too, that the Indian and Alaskan native population engage in the use of substances harmful to oral health at an alarming rate. In Alaska, for example, smokeless tobacco use among children as young as five is common. Initiation of an educational program aimed at children in the lower primary school grades, budgeted at $100,000 in fiscal year 1991, is strongly recommended.

I want to make it clear that I'm not suggesting that Indian adults are being ignored. They're not. Neither am I suggesting that treatment of children is optimum. It isn't. Indian children have almost twice the decay rate as compared to the children population at large.

Mr. DICKS. Why is that?

Dr. KATZ. They're just not receiving the care, and they also have a problem with baby bottle caries. They are keeping babies on bottles very, very long. They have something like a 72 percent incidence of decay among young children where in the population at large today it is about 20 percent. This remains untreated to a large extent and just keeps mushrooming and developing as time goes on. Children of school age ultimately have twice the decay rate as our population at large.

Mr. DICKS. And it is mainly because of the baby bottles?

Dr. KATZ. I think to a large extent that is it. I'm suggesting that all ages are suffering from inadequate resources.

The Association recommends that funding be provided to IHS to develop a special initiative that would focus on clinical and community efforts to promote self-care and early professional intervention to improve periodontal health. Periodontal health, or gum disease, is occurring at a very early age also. This may be related to what the previous speaker testified with diabetes. There is a definite linkage there.

I must point out that this initiative will be successful only if future-year resources are increased to accommodate the demands for clinical services that may be expected to result from this effort.

Addressing these needs I have described, to begin special initiatives such as improving periodontal health, the Association recommends appropriations for dentistry directly, or as dentistry's share of overall appropriations, for the Service of $53.1 million. As mentioned previously, this is $10.1 million over the total current expenditure and represents increases of $6 million in direct-care funding, $4 million in the Service's contract funds to be dedicated to dental services, and $100,000 to begin the school program in Alaska to discourage smokeless tobacco use.

I appreciate your attention. I'd be pleased to respond to any questions you might have.

Mr. DICKS. I think you've covered this very well. It is certainly a serious problem, and we'll take a very careful look at it.

Dr. KATZ. I appreciate that. Thank you.

[The prepared statement of Dr. Katz follows:]

American Dental Association

STATEMENT OF THE

AMERICAN DENTAL ASSOCIATION

TO THE

SUBCOMMITTEE ON INTERIOR

COMMITTEE ON APPROPRIATIONS

U.S. HOUSE OF REPRESENTATIVES

MARCH 15, 1990

PRESENTED BY

HARMON R. KATZ, D.D.S.

Washington Office 1111 14th Street NW Washington DC 20005 (202) 898 2400

Mr. Chairman and Members of the Subcommittee:

My name is Harmon Katz. I am a practicing dentist in New Brunswick, New Jersey, and Chairman of the American Dental Association Council on Governmental Affairs and Federal Dental Services. We appreciate this opportunity to testify at these hearings on Fiscal Year 1991 Appropriations for the Indian Health Service.

The American Dental Association is vitally interested in the oral health of American Indians and the native people of Alaska. While our interest in oral health is one that embraces the entire population of our nation, it is especially acute with respect to the native American tribes and nations because their oral health needs are great, and, unfortunately, are too often unmet.

Available statistics on oral health and treatment needs of American Indians reveal a picture of oral health much worse than that of the overall U.S. population. Among the Navajos alone:

- baby bottle tooth decay rate is the highest in the world with 72 out of 100 children, aged 3-5 manifesting this disease;
- rampant destructive periodontal disease afflicts a majority of the Navajo population and begins at an earlier age than in other societies;
- there is a very high cavity rate among the children;
- there is an overwhelming backlog of restorative and prosthetic dental care needs for adults;
- the acceptance and use of smokeless tobacco products unless abated, will accelerate the incidence of oral cancer, periodontal disease, cavities and tooth abrasion.

For the American Indian population in general, the picture is almost equally poor:

- Only 20 percent of Indian children ages 5 to 17 are free from tooth decay versus 37 percent nationally.
- Dental decay experience in permanent teeth of 5-17 year olds is 2 times the national average.
- Only 53 percent of decayed permanent teeth are filled versus 79 percent nationally.
- 50 percent of Indian preschool children have baby bottle tooth decay.

- 70 percent of Indian children require restorations versus 25 percent nationally.

- Access to dental care (32 percent utilization) is far lower than the national average (57 percent)

- Less than 30 percent of the Indian population has access to fluoridated drinking water, versus about 55 percent of the U.S. population.

This, according to the IHS Oral Health Survey in 1984 and the IHS Dental Data Reporting System. IHS advises the Association that it is hopeful that new data, not yet available, will reflect distinct improvements in this picture. The Association believes, however, that improvements that would raise the oral health status of Indians to comparability with the general population are far in the future, based on the current capacity for treatment in the IHS program.

The Association conducts periodic evaluations of Indian Health Service facilities, and has done so for nearly three decades. I participated in the Council visit in 1988 to the facilities serving the Navajo Tribe. It was evident from that experience that the IHS efforts are extraordinarily efficient and well grounded in the principles of dental health and public health. Prevention of disease is emphasized and priority is given to children and to the most severe oral health conditions of both children and adults.

Efficiency of practice and oral health treatment principles, however, have their limits. They alone will never succeed in bringing any patient population to a satisfactory level of health without adequate professional staff and clinical facilities; without, that is, adequate funding.

Current funding for dentistry in the Indian Health Service is $43 million, ($33 million in direct care, $10 million in contracted care.) Were the population to be served one whose oral health status was comparable to that of the U.S. population-at-large, that funding would have to be doubled to meet its dental needs. Doubling present funding would represent a per capita expenditure for dental care for Indians of $84, as opposed to approximately $160 expended per capita in the total population. We believe funding at this level would be a reasonable target in the absence of statistics on the dental coverage of Indian patients under Medicaid and estimates of the dental treatment paid for directly by Indian patients in the private sector. And it is reasonable to expect that prevention emphasis, as noted previously, will continue to reduce the need for more expensive restorative care.

But the Association would contend that too great a reliance on any one initiative or source of funding is unwise. Currently, for example, nine states provide no dental benefits to adults under Medicaid: Colorado, Idaho, Texas and Wyoming -- all with substantial Indian populations -- among them.

But, as I described at the outset, we are not discussing a population with average oral health needs. We are discussing a population with enormous untreated disease. In response to our inquiries, IHS has advised that it would take $52 million just to address immediately the severe oral health conditions that are the result of continued deferral of services due to inadequate funding in the past.

Addressing this treatment backlog would fall in substantial part to the Service itself, in order to assure the most immediate access for these patients. At the same time, individuals with identified accumulated dental needs can often arrange for treatment in the private sector, even when transportation to dental offices some distance away must be arranged. But this can only be done if there are adequate contracting resources to pay for the care.

To the extent that contracted care is available, the present situation of long waits for appointments for routine preventive and limited restorative services in IHS dental facilities is alleviated.

I would mention, too, that the Indian and Alaskan native populations engage in use of substances harmful to oral health at an alarming rate. In Alaska, for example, smokeless tobacco use among children as young as five is common. Initiation of an educational program aimed at children in the lower primary school grades, budgeted at $100,000 in FY 1991, is strongly recommended.

I believe it is clear, then, that the attention given to the dental needs of Indian children -- while entirely appropriate and sound public health policy -- creates an unacceptable access problem for Indian adults. This is most vividly illustrated by the rampant periodontal disease in the adult Indian population. Periodontal disease is probably the most significant threat to good oral health in all adults, certainly in adults over 35. Among Indian adults its severity is extreme, exacerbated, no doubt, by the high incidence of diabetes in many tribal groups.

This is not to suggest that Indian adults are being ignored. They aren't. But it is also not to suggest that the treatment of children is optimum. It isn't. It is to suggest that all ages are suffering from inadequate resources.

The Association recommends that funding be provided to IHS to develop a special initiative that would focus on clinical and community efforts to promote self-care and early professional intervention to improve periodontal health. I must point out that this initiative will be successful only if future year resources are increased to accommodate the demands for clinical services that may be expected to result from this effort.

The Association recognizes in the current fiscal climate -- and given the present level of resources and facilities within the Service -- that full funding for all the dental needs of the Service, and full implemention of all treatment activity, are not possible in a single stroke.

But to begin to address these needs I have described, to begin special initiatives such as that for improving periodontal health, the Association recommends appropriations for dentistry directly or as dentistry's share of overall appropriations for the Service of $53.1 million. As mentioned previously, this is $10.1 million over the total current expenditure and represents increases of $6 million in direct care funding, $4 million in the Service's contract funds to be dedicated to dental services, and $100,000 to begin a school program in Alaska to discourage smokeless tobacco use.

I should point out that this request is exclusive of funding for accelerated facility construction, which is as critical to the IHS dental component as it is to the medical component, in carrying out its mission; as well as funding for the loan repayment program for IHS health professionals, which is critical to dentist recruitment.

Finally, let me stress the importance which the Association attaches to continuing to identify dental health funding as a line item in the Congressional appropriations process. We consider this essential to maintaining the integrity of dental service funding within the IHS budget structure.

Thank you for your attention. I would be pleased to respond to any questions you may have.

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE

WITNESS

MARLA GOKEE, M.D., MEMBER, AMERICAN PSYCHIATRIC ASSOCIATION, STANFORD UNIVERSITY MEDICAL CENTER

Mr. DICKS. The American Psychiatric Association, Jay Cutler? This is not Jay Cutler. [Laughter.]

Marla Gokee?

Dr. GOKEE. Correct. Thank you.

Mr. DICKS. Good to have you here.

Dr. GOKEE. Good morning. I'm Marla Gokee, a psychiatrist at Stanford University Medical Center. I'm also a member of the Great Lakes Chippewa Tribe. I'm here testifying on behalf of the American Psychiatric Association, and I see you have my testimony in front of you.

Mr. DICKS. Right. We'll put the entire statement in the record, and you have five minutes to summarize it.

Dr. GOKEE. I appreciate it. Thank you.

Your leadership and effort resulted in a $6 million increase in the fiscal year 1990 appropriations for the Indian Health Service mental health services. We appreciate the commitment of you and your Subcommittee to provide direct health care services to the country's native Americans.

More than a million American Indian and Alaskan natives look to the physicians and nurses of the IHS for their medical care. I think it is important to remember that the first Americans are not the only ones who benefit from the care of the IHS. A lot of research effort has been in primary diseases like diabetes, which I'm sure you've heard about this morning, and that provides much needed information for all.

The overwhelming bulk of the IHS activities consist of primary care. The Indian service population has been increasing at a rate of 2.7 percent a year compared to the national rate of 1.1 percent. I think the health status of the native Americans and Alaska natives has improved greatly since 1965 when the Indian Health Service moved from the Department of Interior to a public health agency.

I think even though progress has been made there are many challenges that are related to the growing population at this rate of 2.7 percent that need to be addressed. Part of it is the stress that is related to changes and general life stresses of adjusting to a new culture. I think this causes a complex health problem and results in an increase of behavioral-related morbidity and mortality.

I think native Americans have always been a proud nation. Sadness, not pride, fills my heart when I read the studies among Indians that show increasing rates of alcohol and drug abuse, suicide, homicide, motor vehicle accidents, child abuse, neglect, and other behavioral-related problems.

The increase in suicides and self-destructive behavior among the native Americans, particularly adolescents, are issues of serious public health concern. In view of the projected growth, it continues to be an issue that will need to be addressed.

I think that as well the Administration's fiscal year 1991 budget request addresses the Indian Health Service severe health care personnel shortage for providing funding increases of $2,761,000 for Indian health manpower.

I can't tell you how much the health professional scholarships have helped. Personally, for me, I started out in high school with a native Americans incentive program and then progressed into the Indians into research program. That led me to a research career at Stanford and, subsequently, here I am back asking, as a physician, as a psychiatrist, and as a native American, for your support.

I think that the native American and Alaska natives are a nation at risk. We must do all we can to provide continuing care free of fragmentation and discrimination. Your support for increased resources is critical in the ongoing effort to provide quality mental health and general health care.

Thank you.

Mr. DICKS. You talked about the rate of suicides, homicides, and accidental death in young native American males as more than twice the national average. You suggest depression as the number one emotional problem experienced in these communities. What do you think that is related to? Is it from drug abuse, or is it a lack of a sense of opportunity? What do you think is the root cause of it?

Dr. GOKEE. I think it is a combination of causes, sir. One is that the population on the reservations, which are becoming urban, leads a lot of these people to be below poverty level standards of living. With that, as you well know, I think that your self-esteem takes a tremendous blow. You get to a point where you do get depressed and you have nothing to look forward to. I think that coming to the mainstream of America is difficult for a lot of American Indians because it goes against a lot of their beliefs and cultures. How you motivate someone in that kind of system is obviously a big problem. Depression and substance abuse are a result of that.

Mr. DICKS. But you're talking about that in an urban setting.

Dr. GOKEE. It is both urban and on reservations.

Mr. DICKS. Yes. That's what I would say. I mean they have the same problems on the reservation.

Dr. GOKEE. That's correct, sir.

Mr. DICKS. Part of the policy is self-determination and that the tribes can kind of do what they want to do. Do you think it would be different if they were more integrated into mainstream American life?

Dr. GOKEE. I don't know if I can answer that in a way that would be satisfactory in terms of number because certainly I think that is one of the things that people are looking at. How can you assimilate a culture that is quite different from American-European values and get someone assimilated into that without some sort of effect on their culture and beliefs? It is difficult.

I think one of the things you have to remember is that when you talk about native Americans, you're not talking about a single minority.

Mr. DICKS. No. I understand that.

Dr. GOKEE. We're talking about 500 tribes with many languages and different cultures. To get those people into a single block is——

Mr. DICKS. But the problems are pretty consistent across the board.

Dr. GOKEE. They are.

Mr. DICKS. Okay. Thank you for your statement. I'm glad that these programs have worked to your advantage.

Dr. GOKEE. Thank you.

Mr. DICKS. And to our advantage.

[The prepared statement of Dr. Gokee follows:]

American Psychiatric Association

1400 K Street, N.W., Washington, D.C. 20005 • Telephone: (202) 682-6000

STATEMENT

OF THE

AMERICAN PSYCHIATRIC ASSOCIATION

ON

THE FY 1991 INDIAN HEALTH SERVICE APPROPRIATION

BEFORE THE

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR

PRESENTED BY

MARLA GOKEE, M.D.
MEMBER, AMERICAN PSYCHIATRIC ASSOCIATION
STANFORD UNIVERSITY MEDICAL CENTER

MARCH 15, 1990

STATEMENT OF THE AMERICAN PSYCHIATRIC ASSOCIATION

on funding for

American Indian/Alaska Native Health Care Services

Mental Health Issues

Mr. Chairman and Members of the Subcommittee, I am Marla Gokee, M.D., a psychiatrist at Stanford University and a member of the Great Lakes Chippewa Tribe. I am testifying on behalf of the American Psychiatric Association, a medical specialty society representing over 36,000 psychiatrists nationwide. The APA feels a sense of responsibility to help direct attention and focus public policy on the need for increased access to adequate mental health care for a population besieged by severe mental illness, inherent in the pending fiscal year 1991 appropriations for the Indian Health Service.

Mr. Chairman, as you know, year after year the APA has testified in support of increased appropriations for the IHS. Last year, your leadership and effort resulted in a $6 million increase in the FY 1990 Appropriation for IHS mental health services. We appreciate the commitment of you and your Subcommittee to provide direct health care services to this country's Native Americans, and applaud the Administration's decision to maintain the funding increase in the FY 1991 funding recommendations. Yet, once again we find ourselves testifying as to the second-class health status afforded Indian communities.

Of particular concern to the APA are Indian mental health, and alcohol and drug abuse-related problems, universally accepted to be of epidemic proportion today among both reservation and urban Indians. For example, over 50% of office visits to family doctors are for problems with a psychiatric basis or concomitant. Moreover, the rate of suicide, homicide, and accidental death in young Native American males is more than twice the national average. Studies indicate that depression is the number one emotional problem experienced in Native American communities, and clinical depression is often accompanied by substance abuse. Substance abuse is held responsible for much of the domestic violence, including child abuse, elder abuse, assault, rape and homicide, that occurs in the community.

Regrettably, the well-documented enormous health care costs for survivors of substance abuse-related accidents, suicide and homicide attempts, as well as the physical complications of chronic alcoholism, are all too readily accepted. We suggest it's a matter of "pay now or pay later." With the crisis-oriented approach necessitated by chronic underfunding of mental health and substance abuse treatment, we may never know how much money could be saved in other health care costs if

adequate mental health care were available to everyone. The FY 1990 appropriation increase of $6 million for mental health will staff a full-time provider at each service unit. Increasing the IHS mental health services appropriation by an additional $7 million over the FY 1990 level would provide adequate funding of mental health services. Such a mental health budget would still represent less than three percent of the total IHS budget. We urge your support for a $26 million IHS mental health services appropriation.

It is only through comprehensive, quality care, delivered in settings as close to the patient's home community as possible and delivered in ways which are sensitive to the patient's culture and beliefs, that we can elevate the health status of Native Americans above that of underdeveloped, Third World nations. Funding priorities for such a continuum of mental health care should include providing for adequate services and staffing, developing mechanisms for assuring quality of care, and conducting culturally sensitive research efforts which identify need and can be translated into useful clinical applications.

A full range of health care service for mental health must include outpatient and inpatient care, with special attention directed towards emergency care and services to special populations such as children and youth, and the chronically mentally ill. One-half of all Native Americans are under the age of 18, yet mental health programs for this group are virtually non-existent. So called appropriate care often results in the mentally ill being placed, inappropriately, in jail.

The effective utilization of current programs is greatly hampered by inadequate staffing levels and an inability to recruit and retain mental health professionals. A total of 380-390 clinical staff provide care to 127 service units. The IHS projects, using NIMH epidemiologic data, a need for approximately 550 providers of outpatient mental health care to serve current need at minimally acceptable levels. The crisis-oriented approach to delivery of services has resulted in staff burn-out and turnover rates of epidemic proportions.

Also critical, is the development of standards which assure quality of care. Staff must be qualified, competent, and adequately trained, with services subject to practitioner review mechanisms. Mental health services should be delivered in accordance with national and state law. IHS recently issued a cease and desist order, stopping psychologists from prescribing drugs in IHS facilities. We applaud IHS' concern about quality patient care and protecting the health of Native Americans from persons who lack the necessary medical education and clinical experience to prescribe medication.

The importance of providing fully-staffed, well-trained service units at IHS facilities across the country cannot be overemphasized. Scientific advances have served to increase the relationship between physical and mental health, increasing the danger inherent in misdiagnosis. Psychiatrists, as physicians, have the training and competence to provide a medical differential diagnosis and treatment plan. American Indians and Alaskan Natives suffer a high incidence of co-morbidity and physical causes of mental disorders. A proper understanding of the diagnostic and treatment considerations that affect them is essential.

As you are aware, the Department of Defense is currently evaluating the possibility of establishing a demonstration program designed to train psychologists to prescribe psychotropic medications. The shortage of psychiatrists is a dangerous rationale for any substitution of medical education and residency training particularly in order to allow non-physician psychologists to prescribe medication. No state allows a psychologist to prescribe medication. We strongly urge against any proposal supporting or endorsing such a plan for the IHS. Psychiatric physicians are the only health care providers who have sufficient knowledge and skill to address physical and mental evaluation, differential diagnosis and treatment planning, the knowledge and management of drug side effects and drug interaction, and the role of medication in bio-psychosocial continuum framework of care. Mr. Chairman, at this time I ask permission to provide for your hearing record our letter to the Assistant Secretary for Health Affairs of the Department of Defense which further amplifies this critical distinction in training between medical doctors and non-medical health care professionals, as well as a copy of the recent resolution of the Executive Council of the Reserve Officers Association of America which underscores our firm position.

The Administration's FY 1991 budget request addresses the IHS's severe health care personnel shortage by providing a funding increase of $2,761,000 for Indian Health Manpower to support an additional 157 health professions scholarships and approximately 20 new preparatory program scholarships. The APA endorses the President's proactive approach to IHS's manpower shortage and urges that you incorporate this increase in the appropriations bill.

Another way to improve services, and ensure that services are adequate and treatment appropriate, is through research. Past research efforts have focused on the demographics of the Native American population. With entire communities suffering from the pain of mental illness, research efforts should be expanded to focus on the incidence of mental disorders and its impact on the population as a whole. Clinical application of culturally relevant data will do much to improve mental and physical health.

Mr. Chairman, can the health of the American Indian and Alaskan Native people survive continued underfunding of mental health services? We think not. They are a nation at risk, and we must do all we can to provide a continuum of care, free of fragmentation and discrimination. Your support for increased resources is critical in the ongoing effort to provide quality general health and mental health care. These populations deserve the same quality and level of care as available to the rest of the nation. We urge your support for our funding recommendations and our concerns that American Indians and Alaskan Natives not be subject to experimentation and increased risk through psychologists' prescribing practices.

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE

WITNESS

SOPHIE MARRS, VICE CHAIRMAN, BOARD OF DIRECTORS, SOUTH DAKOTA URBAN INDIAN HEALTH, INCORPORATED; AMERICAN INDIAN HEALTH BOARD

Mr. DICKS. We'll go on to the American Indian Health Board, Mary Helen Deer Smith.

Welcome. We'll put your statement in the record, and you have five minutes to summarize it.

Dr. MARRS. Good morning. My name is Dr. Sophie Marrs. I am testifying in place of Mary Helen Deer Smith, who was unable to be here this morning.

Mr. DICKS. Okay. Welcome to you.

Dr. MARRS. Thank you.

I'm the vice chairman of the board of directors of South Dakota Urban Indian Health, Incorporated, and an enrolled member of the Cheyenne River Sioux Tribe. I am testifying today on the behalf of the American Indian Health Care Association.

The American Indian Health Care Association is an organization which represents 34 urban health clinics which are funded under Title V of the Indian Health Care Improvement Act. Our programs serve Indian and Alaskan natives who reside or are travelling through urban areas and for whom health care services would otherwise be unavailable.

The American Indian Health Care Association is asking that the appropriations for Indian Health Service reflect the following: base urban health programs, $13,172,100; urban alcohol substance abuse, $5 million; AIDS prevention and treatment, $2,407,000, of which $903,000 is specifically set aside for urban programs; and extension of the Federal Tort Claims Act coverage to include urbans.

Mr. DICKS. What does that mean?

Dr. MARRS. Currently, under the system, the Federal Tort Claims Act is coverage for the Indian Health Service and the tribal run programs, but the urban Indian health programs are not covered under the Federal Tort Claim Act, so we must provide our own malpractice insurance. Over the past——

Mr. DICKS. Which is very difficult to do?

Dr. MARRS. And very expensive.

Mr. DICKS. Yes.

Dr. MARRS. Over the past five years, we have had an increase of about 500 percent. Many of our programs——

Mr. DICKS. Why aren't you covered under the Federal Tort Claims Act?

Dr. MARRS. Because our program is not in the language of the law. We—

Mr. DICKS. Which law? We will take a very serious look at that because, as I understand it, the amendment that brought the contracts under the Federal Tort Claims Act was initiated here in the subcommittee.

Dr. MARRS. Right.

Mr. DICKS. We may have a chance to amend that. Go ahead. I didn't mean to interrupt you.

Dr. MARRS. Our Indian health urban programs play a very substantial role in the national Indian health system as approximately 60 percent of American Indians are now living in urban areas.

In fiscal year 1989, urban Indian health programs provided 169,000 medical outpatient visits, 76,000 dental outpatient visits, 110,000 community home visits and referrals, and 115,000 allied health services.

Over the past several years, funding for urban health programs has not kept pace with the rest of the Indian Health Service. While the Indian Health Service experienced a net increase of 2 percent over the last 10 years, urban programs have experienced a net loss of 70 percent in appropriations when adjusted for inflation.

We are requesting support from this Committee to bring urban health programs back in line with the rest of the Indian Health Service. While the President's budget does propose a 5.6 percent increase for inflation, it fails to address the underfunded base for urban health programs and the tendency in health care industries to experience higher inflation than the rest of the economy.

So in addition to the President's budget we are requesting an additional $2 million for urban health programs. This increase is requested to allow programs to restore services which have been reduced or eliminated over the past 10 years and to add needed health services. Specifically, we are asking funds to support mental health services. Many of the mental health services that are currently available are not sensitive to Indian cultural issues and have been found to be ineffective. We are requesting funding to help with health promotions, disease prevention, and immunizations.

Many of our health programs have relied very much on the generosity of local health departments to provide immunizations and vaccinations, but no longer will we be able to do so because of funding cuts in other areas. Therefore, we are experiencing a very dramatic decrease in the percentages of our children who are immunized.

Also, in the areas of infant mortality reduction, many of the statistics show that the U.S. infant mortality rate is 10.4 deaths per 1,000 live births. In several areas where we have surveyed, Indian babies born in the cities experience a much higher death rate. In Minneapolis, for example, there were 11.7 deaths per 1,000 live births; Spokane, 13.7; Phoenix, 17.7; and Seattle, 19 deaths per 1,000 live births.

Also, we are requesting full funding for the alcohol and substance abuse prevention programs. Until the 1988 Anti-Drug Act amendments, urban health programs were excluded from this national effort to address alcohol and substance abuse in Indian communities. Full funding is needed to allow urban Indian communities to combat this problem. Alcoholism among urban Indian adults is reported to be from 55 to as high as 80 percent. Our Indian youth are exposed to the full range of drugs in our cities, including crack cocaine, heroin, methamphetimines, and inhalants.

Prevention programs are needed to provide Indian youth the tools to avoid drug abuse and deal with alcoholism they experience

in their families. Therefore, we are requesting full funding for the urban Indian alcoholism and substance abuse treatment and prevention in the amount of $5 million.

Mr. DICKS. Your time is almost up, so if you want to get anything in——

Dr. MARRS. The one last issue is that of AIDS prevention. There are now 157 American Indians and many more that we probably can assume that are at least——

Mr. DICKS. Joann Kaufman testified on this yesterday, so we have a good picture of that.

Dr. MARRS. That was all the issues I wanted to bring up at this time. Thank you.

Mr. DICKS. Good. Well, I've been a very strong supporter of this program. A few years ago, this program was not in the President's budget as I recall.

Dr. MARRS. Right.

Mr. DICKS. This committee kept it alive, so we have an understanding, I think, of why this is important. We will try to work with you. We appreciate your excellent statement.

Dr. MARRS. Thank you.

[The prepared statement of Ms. Deer Smith as submitted by Dr. Marrs follows:]

TESTIMONY OF MARY HELEN DEER SMITH, PRESIDENT
OF THE
AMERICAN INDIAN HEALTH CARE ASSOCIATION
ON FY 1991 APPROPRIATIONS

MR. CHAIRMAN AND MEMBERS OF THIS COMMITTEE:
My name is Mary Helen Deer Smith. I am the President of the American Indian Health Care Association (AIHCA), and an enrolled member of the Kiowa tribe. I am also the Executive Director of the Oklahoma City Urban Program. AIHCA is asking that appropriations for the INDIAN HEALTH SERVICE reflect the following:

-Base Urban Health Programs	=	$13,172,100
-Urban Alcohol/Substance Abuse	=	$ 5,000,000
-AIDS Prevention/Treatment	=	$ 2,407,000 of which $903,000 is set aside for Urban Programs

-Extention of the Federal Tort Claims Act Coverage to include Urbans

I am here on behalf of the 34 health programs funded under Title V of the Indian Health Care Improvement Act. Our programs serve Indians and Alaskan Natives who reside or are traveling through urban areas, and for whom health care services would otherwise be unavailable. While most of the the resources targeted at improving Indian health status are applied to Indian communities in tribal or reservation settings, the Urban Health Program of the IHS plays a very substantial role in the national Indian health system.

The federal government's "relocation program" of the 1950'a s 1960's helped to create urban Indian populations. The campaign relocated over 160,000 Indian people over the course of two decades, according the Urban and Off Reservation Task for of the American Indian Policy Review Commission. Rather than create a new "mainstream" population of Indians, the program created urban enclaves of Indian families, who experienced the same unemployment, low health status, poverty, school drop out difficulties as existed on the reservation. The only difference for those Indians in the cities is that they lacked the tribal community support network and extended family to assist during these difficult times. In response to the needs of Indians relocated to urban areas, urban Indian communities began to form organizations to provide basic support for each other and to serve as a social-cultural link. The development of health clinics and health outreach programs was a part of this growth.

The first federal funding for an urban clinic was provided in Minneapolis in 1972. Other clinics in Seattle, Los Angeles, Oklahoma City and San Francisco were developing at the same time using local and state resources. Today, there are 34 Urban Health programs funded under Title V. These programs serve a large number of Indians and Alaskan Natives in urban settings with a relatively minuscule portion of the IHS budget. In FY 1989 Urban Indian Health Programs provided:

169,000 Medical Outpatient Visits
76,000 Dental Outpatient Visits
110,000 Community Home Visits and Referrals
115,000 Allied Health Services (health education, nutrition, counseling,etc)

While the average cost per medical user in the United States for physician services is $373 per year, the average cost per medical user for Urban Health Program physicians is only $99 per year. Urban Health Programs have been effective in their effort to leverage local, state and private funding, matching every dollar from the Indian Health Service with a dollar from alter

nate sources. Yet, the health needs of Indian people in Urban settings continues to grow beyond our ability to respond. Only 58% of the adult population are employed. Indian people in urban settings are still in poor health, experiencing high mortality rates, alcoholism and substance abuse,violence, accidents and at an increased risk for AIDS infection.

URBAN HEALTH PROGRAMS HAVE BEEN LEFT BEHIND

Funding for Urban Health Programs has not kept pace with the rest of the Indian Health Service. While the IHS experienced a net increase of 2% over the last ten years (appropriations adjusted to health care inflation), Urban Programs have experienced **a net loss of 70% in appropriations when adjusted for inflation.** Coping with a 70% cut in overall BUYING POWER over the last ten years has been extremely difficult for our programs. We are, of course, eternally grateful to this committee for our survival, having restored funding to urban programs consistently in the annual Interior Appropriations process. Unfortunately, the price we paid for survival was to stand still, in the face of escalating price increases in malpractice insurance, professional staff salaries, medical supplies and pharmaceuticals. The following table reflects the straight appropriation levels for IHS and Urban Health NOT ADJUSTED FOR INFLATION. It reveals a cumulative growth of 98.3% for IHS and 14.2% for Urban Health. Once adjusted for inflation, however, the growth for IHS is only 2% and Urban Programs experienced a 70% loss.

Fiscal Year	Appropriations		Annual Change		Cumulative Change	
	Total IHS (millions)	Urban (millions)	Total IHS	Urban	Total	Urban
1981	$596,119	$8,900				
1982	$599,645	$8,160	.9%	-8.3%	.9%	-8.3%
1983	$645,583	$6,000	7.7%	-26.5%	8.7%	-32.6%
1984	$770,408	$9,000	19.3%	50.0%	29.7%	1.1%
1985	$793,728	$9,800	3.0%	8.9%	33.6%	10.1%
1986	$818,194	$9,800	3.1%	.0%	37.7%	10.1%
1987	$841,809	$9,000	2.9%	-8.2%	41.7%	1.1%
1988	$943,297	$9,624	12.1%	6.9%	58.8%	8.1%
1989	$1,020,106	$9,962	8.1%	3.5%	71.7%	11.9%
1990	$1,178,337	$10,164	15.5%	2.0%	98.3%	14.2%

BRING URBAN HEALTH FUNDING BACK IN LINE WITH IHS.

We are requesting support from this committee to bring Urban Health Programs back into line with the rest of the Indian Health Service. While the President's Budget does propose a 5.6% increase for inflation, it fails to address the underfunded base for Urban Health Programs and the tendency in health care industries to experience higher inflation than the rest of the economy. In addition to the President's Budget, we are **requesting $2,000,000 additional** for Urban Health Programs. This $2,000,000 increase to the base is requested to allow programs to restore services which have been reduced or eliminated over the past ten years and to add needed health services. Specifically, Urban Health Programs seek funds to support:

MENTAL HEALTH SERVICES: Some of the Urban Programs have been able to provide mental health services through local or state funding. A survey recently conducted of those programs shows that the volume of services has been declining over the past five years. The ratio of clients to counselor has increased to an unacceptable level, climbing from 92 clients per counselor in 1985 to 207 average clients per counselor in 1987. More programs report that mental health services are NOT AVAILABLE on site, than was reported in 1985. More Urban Programs are now referring Indian individuals and families outside for mental health services. Mental Health providers not sensitive to Indian cultural issues have been found to be ineffective in establishing and maintaining a long term treatment relationship with most Indian clients referred.

HEALTH PROMOTION/DISEASE PREVENTION AND IMMUNIZATIONS: The Urban Health Programs have not been included in these initiatives sponsored by the IHS. Many Urban Health Programs have depended upon the generosity of local health departments for vaccines to perform immunizations for infants and children. These local resources are no longer available. Local health departments, themselves facing funding reductions, have instructed urban Indian clinics to sent their patients to the health department for immunizations. In most cases, the Indian family will not go, prefers to stay within the Indian clinic system and avoids outside referrals. A recent study by AIHCA shows that one-third of the urban Indian health programs are unable to provide immunizations to infants, children and the elderly due solely to a lack of funds and staff. This same study found that less than 30% of the urban Indians surveyed were immunized for tenanus-diphtheria, only 30% immunized for influenza, and only 20% of those in need had received immunizations for pneumonia. It is difficult for Urban Health Programs to mount a meaningful Health Promotion effort in the face of such urgent health care needs.

INFANT MORTALITY REDUCTION: The added funds will allow Urban Health Programs to address the problems of infant health in their communities. While infant mortality has improved for Indians nationally, there are pockets within urban Indian communities with infant mortality rates exceeding the national average for Indians and the general public. Whereas, the national U.S. infant mortality rate is 10.4 deaths per 1,000 live births, Indians babies born in the city experience infant death rates much higher:

Minneapolis	=	11.7 per 1,000	Phoenix	=	17.7 per 1,000
Spokane	=	13.7 per 1,000	Seattle	=	19.0 per 1,000

Clearly, the success story IHS has achieved with reducing Indian infant mortality below the national average has been limited to its own service areas and excludes urban Indian communities.

URBAN AREAS NOT YET SERVED: The AIHCA is very concerned about Indian and Alaskan Native populations residing in cities which are not currently funded under Title V of the Indian Health Care Improvement Act. The IHS Headquarters reports numerous inquiries from Indian communities in unserved cities seeking assistance to provide health services to their community. AIHCA requests that this committee support additional funding to provide these Indian communities with the support they need to help their members with basic health care.

ACCREDITATION: While the IHS has pushed its clinics and urban programs toward seeking accreditation from the Joint Commission for the Accreditation of Health Care Organizations, the funds to pay for the costs of meeting these standards have not been forthcoming. Four urban health programs are currently accredited. AIHCA would like to see the necessary financial support to achieve accreditation accompany the IHS policies directing clinics in this direction.

FULL FUNDING FOR ALCOHOLISM AND SUBSTANCE ABUSE PREVENTION

Until the Anti-Drug Act Amendments of 1988, urban health programs were excluded from this national effort to address alcoholism and substance abuse in Indian communities. Full funding is needed to allow urban Indian communities to combat this problem. Indian people in urban areas experience a multitude of substance abuse risks. Alcoholism among urban Indian adults has been reported to be from 55% to as high as 80%. Indian youth are exposed to the full range of drugs our cities. Crack cocaine, heroin, crystal methamphetimines or "ice" and inhalants are common in most urban communities. Prevention programs are needed to provide Indian youth the tools to avoid drug abuse and to deal with the alcoholism they experience in their families. AIHCA is requesting **full funding for urban Indian alcoholism and substance abuse treatment and prevention, at $5,000,000.**

URBAN INDIAN COMMUNITIES ARE AT GREATER RISK FOR AIDS

The Indian Health Service reports that the overwhelming majority of Indian people diagnosed with "Acquired Immune Deficiency Syndrome" or AIDS, come from cities. This has been the experience of our urban health programs. For many of those Indian people living with the virus, the support one might normally expect from community and family is not always forthcoming. Many individuals have been isolated from loved ones, rejected by their local tribe and thrust into a health care system for the medically indigent which is both baffling and unfriendly. Support systems which are culturally focused are severely needed for these Indian people.

Unfortunately, the Indian Health Service has not projected a sense of urgency to Indian communities regarding AIDS prevention, treatment and support for those infected. The funding Congress provided for AIDS prevention and treatment in FY 1990 is reportedly "lost" within the IHS and PHS bureaucracies. Meanwhile, the number of Indian people diagnosed with the full constellation of symptoms called AIDS doubles each year. The age of those diagnosed is young.

As of December 31, 1987	=	56 Indians Diagnosed AIDS	=	560 Potential Exposed
As of December 31, 1988	=	89 Indians Diagnosed AIDS	=	890 Potential Exposed
As of December 31, 1989	=	157 Indians Diagnosed AIDS	=	1,570 Potential Exposed

(source: CDC 1990)

The ratio of women diagnosed with AIDS for the Indian community is higher than in the white community, 16% compared to only 4%. While homosexual lifestyle is evident in Indian communities just as in other populations, the ratio of Indians exposed to AIDS through homosexual contact is only 51% of the cases compared to 77% nationally. IV-Drug use as a source of AIDS exposure is a greater problem for Indians at 17% of the cases compared to only 7% nationally.

In 1988, Congress justified appropriating $800,000 to IHS to fight AIDS infection in Indian communities based on the fact that 56 Indians had been diagnosed. That same ratio of funding applied to the 157 Indians now diagnosed, would justify **$2,407,000 for AIDS prevention and treatment.**

THE COST OF MALPRACTICE INSURANCE THREATENS TO ELIMINATE CARE

Insurance premiums have risen 500% in the past five years for most urban clinics. Some clinics have had to reduce the scope of the services, lay-off staff or eliminate other expenses in order to pay the ever increasing malpractice premiums. One clinic was forced to eliminate its Medical Care program, provided by a volunteer physician, because it could not afford to pay for the insurance of that service. Despite the fact that few claims have been filed against urban health programs, the insurance industry is becoming more and more reluctant to insure clinics serving poor and minority people. All the direct care systems funded under the IHS, including tribally contracted clinics have been covered under the Federal Tort Claims Act. The Urban Health Program is the only direct service Indian health program not covered. AIHCA requests corrective language to extend this coverage to include those health care programs funded under Title V of the Indian Health Care Improvement Act.

Thank you for this opportunity to provide testimony.

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE

WITNESS

LORETTA V. METOXEN, MEMBER, ONEIDA BUSINESS COMMITTEE, ONEIDA TRIBE

Mr. DICKS. Oneida Tribe, Loretta Metoxen? We're glad to have you here.

Ms. METOXEN. Good morning, Mr. Chairman.

Mr. DICKS. We'll put your entire statement in the record. You have five minutes to summarize it.

Ms. METOXEN. Thank you.

Good morning, Mr. Chairman. I appreciate the opportunity to make this presentation.

Within allocations of the fiscal year 1991 appropriations bill, particularly to the Department of Interior and Related Agencies Act, the Oneida Tribe of Indians of Wisconsin would like to request assistance in the construction of a sewer project which will benefit both tribal and non-tribal property residence in the sewer service area of the Oneida reservation and northeast Wisconsin.

The treatment of home sewage has reached a significant public health concern in the central portion of the Oneida reservation. This issue has been studied and documented since the initiation of the original EPA Step I study in 1982. The expenditure of time and effort by the tribe and its staff are incalculable over the past eight years. The issues of self-determination, self-sufficiency, and self-government are of primary importance to the Oneida Tribe.

Due to the constraints placed on the Oneida reservation by the lack of suitable soil and sites for on-site waste disposal, economic development and housing availability have come to a standstill on much of the reservation. Environmentally, the cost to the Oneida reservation cannot be recovered without adequate facilities to provide for the Oneida people.

The specific area being considered for this project is an area of approximately 175 homes which contains the largest concentration of Indian families on the reservation. An independent assessment of the problem was conducted by the Indian Health Service in 1988. Because of high ground water and poor soil conditions, nearly 50 percent of the on-site waste disposal systems in the area displayed obvious signs of failure. An additional 35 percent of the residences were classified by Indian Health Service as potential problems. During 1988 and 1989, two cases of bacterial contamination of well water were documented.

Excuse me, sir, I know that all the content is in the copies, but they're not in sequential order.

Mr. DICKS. Okay. We'll race around and look for it.

Ms. METOXEN. We may need a new computer besides a new sewer system.

[Laughter.]

Mr. DICKS. Well, we'll let you adjust it.

Ms. METOXEN. One of these wells served two separate homes and a business. This well contamination resulted in a documented dis-

ease outbreak affecting three separate households containing children and adults. The recommendations of the original Step I study could not be implemented because an appropriate governing structure could not be established to operate the system.

To address this continuing problem, the Oneida Tribe, at its own expense, engaged a local engineering firm in 1988 to conduct a second feasibility analysis. The study recommended that the best treatment alternative is to create a collection system and connect directly into the Green Bay, Wisconsin metropolitan sewage district, some five miles away, at a cost of $3.4 million. The proposed operating commission has also been agreed to.

The Oneida community sewer project consists of the construction of the sanitary sewer collection system, the five mile forced mean, the laterals to individual homes, existing system abandonment, and the upgrading of interior home plumbing necessary to provide sanitary waste treatment to all within the sanitary district. Both tribal and non-tribal homes, and commercial and public buildings, within the Oneida sewer service area will be served.

The Oneida community sewer service area consists of approximately 1,125 acres of land in northeast Wisconsin, the 8th Congressional District. This area, known as the Oneida Village, straddles Brown and Outagamie counties. The area is divided by Duck Creek, which flows into the lower bay of Green Bay. The lower Green Bay has been identified by the United States-Canadian Great Lakes International Joint Commission as one of its 42 areas of concern, and a remedial action plan has been developed.

Mr. DICKS. You have about a minute to summarize. We've got a pretty good idea what you're after here.

Ms. METOXEN. To summarize, the Oneida Tribe needs funding in the amount of $2.3 million to achieve the completion of Phase II. Other agencies, such as the Environmental Protection Agency, Farmers Home Administration, HUD, IHS, and the State of Wisconsin, have been approached, but the prospect of receiving the amount needed is marginal.

At this time, the Oneida Tribe of Indians of Wisconsin is requesting a direct allocation from the United States Congress in the sum of $2.3 million to complete this necessary and desirable project.

Mr. DICKS. Good. Thank you. That was a very good statement, and we'll take a very close look at this.

[The prepared statement of Ms. Metoxen follows:]

Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: 869-2214

Oneida, WI 54155

Testimony to the
U.S. House Appropriations Subcommittee on Interior
from the Oneida Tribe of Indians of Wisconsin
presented by Loretta V. Metoxen
Sewer Oneida Business Committee

Greetings to the Chair and Committee Members:

Within allocations of the Fiscal Year 1991 Appropriations Bill, particularly to the Department of the Interior and Related Agencies Act the Oneida Tribe of Indians of Wisconsin would like to request assistance in the construction of a sewer project which will benefit both Tribal and nontribal property residents in the sewer service area of the Oneida Reservation and northeast Wisconsin.

The treatment of home sewage has reached a significant public health concern in the central portion of the Oneida Reservation. This issue has been studied and documented since the initiation of an original EPA Step 1 study in 1982. The expenditure of time and effort by the Tribe and its staff are incalculable over the past eight years. The issues of self determination, self sufficiency, and self government are of primary importance to the Oneida Tribe. Due to the constraints placed on the Oneida Reservation by the lack of suitable soil and sites for onsite waste disposal, economic development and housing availability have come to a standstill on much of the reservation. Environmentally the costs to the Oneida Reservation cannot be recovered without adequate facilities to provide for the Oneida people.

The specific area being considered for this project is an area of approximately 175 homes which contains the largest concentration of Indian families on the reservation. An independent assessment of the problem was conducted by Indian Public Health Service (IPHS) in 1990. Because of high groundwater and poor soil conditions nearly 50% of the on site waste disposal systems in the area displayed obvious signs of failure.

An additional 35% of the residences were classified by IHS as potential problems. During 1988 and 1989 two cases of bacterial contamination of well water were documented. One of these wells served two separate homes and a business. This well contamination resulted in a documented disease outbreak affecting three separate households containing children and adults.

The recommendations of the original Step One Study could not be implemented because an appropriate governing structure could not be established to operate the system. To address this continuing problem the Oneida Tribe at its own expense engaged a local engineering firm 1988 to conduct a second feasibility analysis (a Step One Study). The study recommended that the best treatment alternative is to create a collection system and connect directly into the Green Bay Wisconsin Metropolitan Sewage District some five miles away at a cost of $3.4 million. The proposed operting commmision has also been agreed to.

The Oneida Community Sewer Project consists of the construction of a sanitary sewer collection system, the five mile force main, the laterals to individual homes, existing system abandonment and the upgrading of interior home plumbing necessary to provide sanitary waste treatment to all within the sanitary district. Both Tribal and non-Tribal homes, and commercial and public buildings within the Oneida Sewer Service area will be served.

The Oneida Community Sewer Service Area consists of approximately 1,125 acres of land in northeast Wisconsin's Eighth (8th) Congressional District. This area, known as the "Oneida Village" area straddles Brown and Outagamie Counties. The area is divided by Duck Creek which flows into the lower Bay of Green Bay. The lower Green Bay has been identifed by the U.S.-Canadian Great Lakes International Joint Commission as one of its 42 areas of concern and a Remedial Action Plan has been developed.

This project will be constructed in two phases. Phase I, the area east of Duck Creek, contains 370 acres. It will include the construction of the five mile force main to allow for the transportation of waste to an interceptor belonging to the Green Bay Metropolitan Sewage District plus a collection system for 88 homes. Phase II, west of Duck Creek, contains 755 acres. It will provide the collection system for the remaining 100 homes, Oneida Tribal Headquarters and Tribal School.

Construction for Phase I is forecasted to begin in summer, 1990. If funded, Phase II construction can start as soon as weather permits in 1991. Both phases, could be completed by the end of calendar 1991.

Of the estimated 690 residents living in the service area 70% are Tribal members. Nearly eighty (80) per-cent of the land base is occupied by the Oneida Tribe and its members. There are 0 small businesses, 9 public buildings and 39 non Indian homes in the District.

The construction and upgrading of a waste collection and transportation system will allow the Oneida Tribe to achieve several goals. First it will bring into standardization the Sanitary Waste Treatment for 134 homes. This area contains some of the worst housing and generally poorest of families to be found in Brown and Outagamie Counties. According to the 1980 U.S. Census the Tribal median income was $9,517. This is contrasted against a 1980 median income for the entire township that the sewer district is a portion of. Without some substantial external assistance Oneida families will be unable to afford the Sanitary Sewer System they desperately need.

The project will upgrade existing substandard plumbing in homes of low and moderate income Tribal members. In several instances sump pumps and down spouts have been directly connected to the existing systems and allow surface water to enter existing treatment facilities causing system overload. Several homes have also been found to be discharging "grey water" (bath, sink laundry, etc) directly to the outside.

The Step I Study of needs and estimated costs followed in 1987-90 with the system design (Step II) phase (Step II). Indian Health Service IHS performed most of the design work. Concurrently, the Oneida Tribe has worked out an agreement with the Green Bay Metropolitan Sewer District to provide treatment at the south City of DePere plant. The Tribe also extended considerable time and commitment of staff to put together a financial package to accomplish this objective.

The Oneida Tribe's Sewer project costs are estimated to be $3.4 million. The U.S. Farmers Home Administration (FmHA) and Indian Health Service (IHS) are already involved in providing some outside funding. FmHA is ready to commit the sum of a $1 million grant with an option of an additional low interest loan between $75,000 and $455,000. This amount however will only complete Phase I of the project. An additional $2.3 million is needed to complete Phase II.

The Farmers Home Administration because of the low incomes of the residents in the proposed sewer district has determined that a minimum of $75,000 in loan is required to receive the FmHA grant offer. The remainder of the loan ($455,000) is eligible to be substituted by

other funds without lowering the FmHA grant. The Oneida Tribe has calculated the repayment of the entire FmHA debt load at $20 per month for individual residential customers. This is before an expected additional charge of $17 per month for system operation and maintenance is added. The Tribe has determined that this amount is excessive. For this reason the replacement of $370,000 in loan with grant funds is included in this request.

Raising funding from other sources has been attempted. In a recent EPA Indian Clean Water grant competition the Oneida Tribe ranked thirty fifth (35th) out of 150 applications. EPA funded the first twenty seven project on their list with $10 million. The next round of competition for the remaining $6 million has been scheduled to begin May 1, 1990. The average EPA grant award in the first round was $670,000. The Oneida Tribe has heard unofficially that the cost of the Oneida project affected EPA's desire "to spread the money around" and that a project in the 1/2 million to one million dollar range would have fared better. Although the Tribe's environmental distress factors would suggest differently, this type of attitude does not provide the Oneida Tribe with a high degree of hope for receiving EPA funding in the next round of competition.

To summarize, the Oneida Tribe needs funding in the amount of $2.5 million to achieve the completion of Phase II. Other agencies, such as the EPA, FmHA, HUD, IHS and the State of Wisconsin have been approached but the prospect of receiving the amount needed is marginal. At this time the Oneida Tribe of Indians of Wisconsin is requesting a direct allocation from the United States Congress in the sum of $2.5 million to complete this necessary desirable project.

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE

WITNESS

WILLIAM THORNE, JR., CHAIRMAN, INDIAN COMMUNITY HEALTH SERVICE, INC.

Mr. DICKS. The Indian Community Health Service, William Thorne? Is he here? Welcome, Mr. Thorne.

Mr. THORNE. Thank you, Mr. Dicks.

Mr. DICKS. We'll put your complete statement in the record, and you have five minutes to summarize.

Mr. THORNE. I'm the chairman of the board of directors of Indian Community Health Service located in Phoenix, Arizona, Mr. Dicks.

Mr. DICKS. Good.

Mr. THORNE. You've already heard testimony about the needs in urban programs. I'd like to speak specifically about some of the events that are occurring in Arizona.

Our program has been growing, and we receive health services funding from several sources, including a large share from the Indian Health Service. For the past 10 years, our urban population has doubled to over 31,000 people, and it is projected to be 60,000 by the year 2000. This would mean that in the year 2000, perhaps 50 percent of all Indians in Arizona would live in urban areas.

The responsibility of our organization is to ensure that proper planning and execution of needed and necessary health services are accomplished for the native American. To execute that responsibility, we are specifically asking this year for an additional $500,000 in the recurring Title V money for a particular problem that I'll describe later on in prenatal care.

Recently, the Flynn Foundation, Arizona's premier non-profit health care organization, commissioned a poll by Louis Harris to ask the State residents about the efficiency of the State's health system. That report entitled, "Health Care in Arizona: A Profile," showed the native Americans are suffering from a lack of access to health care despite the fact that both the Indian Health Service and the State's Medicaid program should be in a position to provide care to the majority of Indians in Arizona.

In the native American adult statistics in that report, one out of three, or 34 percent, of the adults claim not to have a usual source of health care. You might conclude that that statistic might be in error, but we need to talk a little bit about the primary health programs and why the statistic is perhaps real.

Unlike the VA, Medicare, or the State access program, the Federal Indian health programs are not entitlement programs. As you are well aware, it has presented problems in the past. That is to say that no benefits are guaranteed. This year-to-year deficiency of the Federal facilities and programs and the money available has a direct impact on the accessibility of health care for native Americans.

Those influences manifest themselves in crowded waiting rooms, long lead times for appointments, lack of timely follow-up, and a diminished ability to pay for outside services critical to support the

primary care delivered by the Federal system. Thus, the native American elects to migrate to and from the reservation and the timely provision of health care may be postponed due to personal priorities or the long lead times involved in the State Medicaid system.

Mr. DICKS. They can enroll in Medicaid.

Mr. THORNE. Yes, they can.

Mr. DICKS. And in Medicare.

Mr. THORNE. Yes, they can.

These known delay factors probably help account for the over-utilization of emergency services given that 29 percent of American Indian adults who receive care in Arizona receive emergency care.

What does this mean to the native American in Arizona? The limitations of the Federal Indian health system, and the nature of population migration for jobs and education, has given the native American a continual administrative burden to achieve timely access for proper care. The reliability of the Federal system to provide timely health care, or to pay for outside care, pushes many native Americans into an administrative payor system or the State's Medicaid system. It is not preemptive and does not respond well to timely demands for care. The typical application process from the beginning of that process to completion and okay for care is something in excess of six weeks.

To the health officials of the State of Arizona, these conditions may help explain part of the problem when examining abnormal or negative trends in health conditions. For many native Americans, preventive health care measures are lacking or postponed. Acute care follow-up or chronic care management is impaired by lack of consistency in routine access. These conditions are already affecting the care provided to pregnant native Americans in the first trimester, the over-utilization of the emergency room as a high cost primary care visit, and the rate of sexually-transmitted diseases. Thus, continuation of health funding for native Americans through the urban Indian program is necessary.

We thank you for the support you've given in the past, but inequality still presently exists. In Arizona, per capita expenditure for health, including the Federal Government for native Americans, is less than $1,000, where nationally it is $3,200. With the Indian Health Service making more than 500 new medical records in Phoenix each month, the problem is getting worse.

We have lobbied at the State level to increase some of the funding for State programs to increase the poverty level for access. We have talked with Dr. Kirschner of the State access program and his staff about reducing the administrative delays in an attempt to try to provide more opportunity for native Americans to get, particularly in our case, prenatal care early.

Mr. DICKS. Very crucial.

Mr. THORNE. Yes. The goal has been 90 percent. Presently, we are a rate of 50 percent, and it is declining. You've heard that the neonatal death rate in Phoenix is 17 per 1,000, compared to 10 per 1,000 nationally. We had asked last year and, thanks to your generosity, we did get some money to begin a prenatal clinic to open up the hours of access for native American women, and we're asking

for an additional recurring $500,000 to continue that program until the problem in Arizona is solved.

In addition, we, of course, would support the additional money that you've already heard testimony about in increasing Title V programs.

Mr. DICKS. Well, I know that you have a very good friend of mine who is on the Interior Appropriations Committee from Arizona in the other body. That's the Senate. He has taken a very strong interest in this, and we'll try to work with him again this year.

Mr. THORNE. We appreciate your help.

Mr. DICKS. Good.

Mr. THORNE. Thank you.

Mr. DICKS. Thank you for an excellent statement.

[The prepared statement of Mr. Thorne follows:]

TESTIMONY

to the

INTERIOR AND RELATED AGENCIES SUBCOMMITTEE

OF THE

HOUSE APPROPRIATIONS COMMITTEE

on the

FISCAL YEAR 1991 INDIAN HEALTH SERVICE AND

BUREAU OF INDIAN AFFAIRS APPROPRIATIONS

on behalf of

INDIAN COMMUNITY HEALTH SERVICES, INC.

Presented by:

Mr. Bill Thorne, Jr.

Chairman, Indian Community Health Services, Inc.

4143 North 16th Street, Suite 6

Phoenix, Arizona, 85016

March 15, 1990

STATEMENT TO THE INTERIOR AGENCIES SUBCOMMITTEE
OF THE HOUSE APPROPRIATIONS COMMITTEE
BY THE INDIAN COMMUNITY HEALTH SERVICES, INC.

Mr. Chairman, and members of this committee, my name is Bill Thorne, Jr., and I am the Chairman of the Board of Directors of Indian Community Health Services located in Phoenix, Arizona. Our growing urban health program receives health services funding from several sources, including a large share from the Indian Health Service. Over the past ten years our urban Indian population has doubled to over 31,000 people and is projected to be 60,000 by the year 2000. This would mean that in the year 2000, nearly 50 percent of all Indians in Arizona would live in urban areas. The responsibility of our organization is to insure that proper planning and execution of needed and necessary health services are accomplished for the Native American. To execute that responsibility properly requires an additional $500,000 in funding.

Recently, the Flynn Foundation, Arizona's premier non-profit health organization, commissioned a poll by Louis Harris to ask the state residents about the efficiency of the state's health system. That report, entitled "Health Care in Arizona: A Profile", showed the Native American to suffer from a lack of access to health care, despite the fact that both the Indian Health Service and the State's Medicaid (AHCCCS) program should be in a position to provide care to the majority of Indians in Arizona.

In the Native American adult statistics shown in the report, 34 percent of the adults claimed not to have a usual source of health care. Given the nature of health delivery available to the Native American, one might conclude the statistic to be in error. But perhaps an explanation of the primary health programs is in order. Unlike the Veterans Administration, Medicare or the state AHCCCS program, the Federal Indian programs are not entitlement programs. That is to say, that no benefits are guaranteed. Thus, year to year, the efficiency of the Federal facilities and programs, and the money available will have a direct impact on the accessibility of health care for Native Americans. Those influences manifest themselves in crowded waiting rooms, long lead times for appointments, lack of timely follow-up, and a diminished ability to pay for outside services critical to support the primary care delivered by the Federal system. Thus when the Native American elects to migrate to and from the reservation, the timely provision of health care may be postponed due to personal priorities, the long involved process in enrollment in the Arizona Medicaid program (AHCCCS), or the long wait time to be seen on an appointed basis in the Federal delivery system. These known delay factors probably help account for the over-utilization of emergency services, given

30-252 O—90——15

the 29 percent of the adults who received such emergency care in Arizona.

What does this data mean to the Native American community in Arizona? Exactly this, the limitations of the Federal Indian health system and the nature of population migration for jobs and education have given the Native American a continual administrative burden to achieve timely access to proper health care. The reliability of the Federal system to provide timely health care or pay for care outside the direct Federal care program pushes many Native Americans into an administrative payor system, the State's Medicaid system, that is not pre-emptive, and thus does not respond well to timely demands for health care.

To the health officials of the State of Arizona, these conditions may help explain part of the problem when examining out of normal or negative trends in health conditions. For many Native Americans preventative health care measures are lacking or postponed. Acute care follow-up or chronic care management is impaired by the lack of consistency in routine access. These conditions are already affecting the care provided to the pregnant Native American in the first trimester, the over-utilization of the emergency room as a high cost primary care visit, and the rate of sexually transmitted diseases. Thus, the continuation of health funding for Native Americans through Urban Indian Health (Title V) is necessary. But just the continuation will not correct the deficiencies and inequalities that presently exist. Per capita health expenditures in the United States were approximately $3200 in 1989. For the Native American in Arizona the per capita expenditure was less than $1000. And with the Indian Health Service making more than 500 hundred new medical records in Phoenix each month, this significant disparity can only become more acute unless new funds are added to move toward equity and equality.

In 1988 and 1989, our organization has moved quickly to help Urban Native Americans who are victims of the access problems in Arizona. For prenatal care, we use our WIC programs as a barometer of the timely access for care. We have lobbied at the State level and last year were given Federal funds to supplement the prenatal program of the Federal system. Today the urban Indian neonatal death rate in Maricopa County, Arizona, still stands at 14 per thousand compared to 10 per thousand nationally. Although the IHS goal has been to see 90 percent of the prenatals in the first trimester, only 50 percent are being seen. Our program also provides timely follow-up for contagious diseases, supplementing a county system that does not follow-up at all in some classifications of infectious diseases that are sexually transmitted. As I speak today, Indian Community Health is still working to reduce barriers for timely and appropriate prenatal care, a major problem in Arizona and particularly the urban Indian community. We are asking that additional funding be given to our organization to insure adequate provision for timely prenatal care

for Indian women in Arizona.

On January 19, 1990, an Arizona District Court decision ruled the State's Medicaid (AHCCCS) system to be residual to the Federal system for Indian health care. With that last constraint and perhaps similar problems in other states, I strongly urge the Committee to support new Urban Indian funding for equity and special health initiatives, such as the $700,000 in mental health, $500,000 prenatal care to help reduce infant mortality, $400,000 in immunization and preventative health initiatives, $200,000 to assist in meeting accepted standards of medical care, and $200,000 to develop more programs for the urban Indians for a total of $19,075,100 for the Urban Indian health programs throughout the nation.

Mr. Chairman, I thank you and your Committee for your time and lasting support. I trust your collective actions will continue to serve the Native American well.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

WAYNE DUCHENEAUX, PRESIDENT, NATIONAL CONGRESS OF AMERICAN INDIANS

Mr. DICKS. The National Congress of American Indians, Wayne Ducheneaux, I resident? We understand you don't have a statement. We will let you make it for the record. We'll give you five minutes to summarize.

Mr. DUCHENEAUX. Okay. Mr. Chairman and other members of the Committee, I'd like to apologize. Based on a meeting this morning that we held, we'd like permission to revise our written statement and submit it.

Mr. DICKS. That's fine.

Mr. DUCHENEAUX. I don't have any specific money requests for the National Congress or for any Indian tribe. What I would like to do is request the Committee's help in obtaining some information. What I need is help in gaining the unmet need that is lying out there in Indian country as far as the dollars that Congress appropriates to take care of the Indian programs. In the Aberdeen area alone, there are——

Mr. DICKS. That's South Dakota?

Mr. DUCHENEAUX. Yes.

Mr. DICKS. We have an Aberdeen in Washington, too.

Mr. DUCHENEAUX. Okay. Well, in the Aberdeen area, the Bureau of Indian Affairs operates in South Dakota, North Dakota, and Nebraska. There are 15 tribes there plus a couple of service units. In the Bureau of Indian Affairs, there is $724 million worth of unmet need. That takes in roads, construction, executive direction, the whole venue of programs that the Bureau of Indian Affairs operates.

I would rather be telling you what the total unmet need of the Bureau of Indian Affairs and the Indian Health Service is, but I don't have that information yet. I have the area vice chairmen of the National Congress of American Indians working very diligently to obtain this information for me. If I get the information before the hearing record is closed, I will submit this. It is like pulling teeth to get anything out of the Bureau and the IHS.

The Indian Health Service in the Aberdeen area is short $309,432,445 which together comes to over $1 billion in the Aberdeen area alone. There are only 15 tribes in that area. If you extrapolate those figures over the entire Nation, I think you're looking at an unmet need in basic services and infrastructure development of around $10 billion if not more.

What I would like to ask the Committee to do is to have the Bureau of Indian Affairs and the IHS submit this kind of information to the Congress, so that the Congress knows what's out there.

The law, Section 476 of Title XXV U.S.C., requires the Secretary of the Interior to come out and consult with Indian tribes on budgets before they are submitted to the OMB and the Congress, and they don't do that. They have an artificial system known as the

Indian priority system that does not begin to meet the definition of consultation. What it is based on is last year's budget. You are allocated so many dollars. They say, "You prioritize how you want to spend these." If education is a higher priority than social services, the next year the Bureau cuts social services and says that the tribe didn't ask for it. If you'll read that book, you'll see where it says that this isn't a priority of the tribes, this particular program, when one is just as big a priority as the other out there in Indian country.

So what we would request is that the Appropriations Committee request of the Bureau and the IHS this particular information that we are needed to project and let the Congress know the total unmet need out in the Indian country.

Mr. DICKS. Okay. We will certainly ask questions of those witnesses when they come here later this year.

Mr. DUCHENEAUX. Okay. Thank you very much.

Mr. DICKS. Thank you, sir.

[Statement was not received by the Subcommittee at the time of printing.]

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE

WITNESS

EUGENE BEGAY, JR., DIRECTOR, ST. PAUL URBAN INDIAN HEALTH BOARD

Mr. DICKS. The St. Paul Urban Indian Health Board, Eugene Begay?

Mr. BEGAY. Thank you.

Mr. DICKS. We'll put your statement in the record, and you have five minutes to summarize.

Mr. BEGAY. Yes.

I was invited here today by the Honorable Chairman Yates, and I wish to acknowledge you, Congressman Dicks and distinguished members of the Subcommittee on Interior and Related Agencies.

I'm honored to have this opportunity to testify today, March 15, 1990, on behalf of the 2,993 American Indian residents of the Greater St. Paul/Ramsey County area. I am requesting that $500,000 for fiscal year 1991 be directed to the Indian Health Service under the Indian Health Care Amendments of 1988, Public Law 100-713, November 13, 1988, Title V, Health Care Services for Urban Indians to support the further development of high quality primary health care services to those American Indian families and individuals characterized by low income, high unemployment, poor health indicators, and a lack of access to high-quality health care services.

I have invited our esteemed Congressman, Mr. Bruce Vento, of the 4th Congressional District of Minnesota, to these proceedings. I am pleased that he supports this appropriation request.

The St. Paul Urban Indian Health Board was incorporated in 1978 pursuant to provisions of Chapter 317, Minnesota Statutes, known as the Minnesota Non-Profit Corporation Act and is tax-exempt under Section 501(c)(3) of the Internal Revenue Code.

Urban Indian Health Board is governed by a board of directors elected by a corporate membership of approximately 3,000 Indian people, and the Urban Indian Health Board is the primary provider of culturally-sensitive, high-quality primary health care services to the American Indian residents of the Greater St. Paul/Ramsey County area. The vast majority of our service recipients are members of Federally-recognized Indian tribes.

Expanding access to high-quality health care is one important dimension of improving the health care and functional status of American Indians. Often that access is denied them. The reasons, while numerous, can be classified into two broad categories, financial and non-financial. Besides lacking money or health insurance, many urban Indians don't fit into the American system of health care or have been systematically excluded from its benefits.

Minnesota and the Twin Cities are recognized national leaders in both the quality and quantity of health care available to their residents. The Twin Cities in particular have been a hot bed in the development of a variety of managed health care systems. In fact, HMOs and other managed care plans currently cover the majority

of Twin Cities, yet growing numbers of low-income urban Indians have neither have the money nor the ability to obtain even adequate health care.

According to Minnesota selected health statistics published in 1980 by the Minnesota Department of Health, Minnesota Indian populations grew from 15,493 in 1983 to 23,128 in 1970. This was almost a 50 percent increase in 10 years. During this period, a massive migration to the urban areas, comprised of Hennepin and Ramsey Counties and the City of Duluth, took place among Indian people. This population almost tripled during the decade, increasing from 3,378 in 1960 to 9,483 in 1970. According to 1980 census data, Minnesota's urban Indian population increased to 16,287.

While the overwhelming majority of poor and working poor are white, minorities are more likely to be low income. By way of comparison, 18 percent of whites, 38 percent of Hispanics, 39 percent of Asian-Pacific Islanders, 49 percent of blacks, and 57 percent of urban Indians are low income. That is, 8,930 urban Indians fall below 200 percent of the Federal poverty level. These Indian people have the fewest personal resources to contribute to the cost of their health care and are the hardest hit by lack of access to quality health care.

Vital statistics, including life expectancy, death rates, and infant mortality, are commonly used as indicators of the overall health of a population. The discrepancy in health status as contrasted between whites and Indians is instructive.

White males born in 1980 in Minnesota could expect to live 6.1 years longer than Indian males. The difference is also significant for females. White females born in 1980 could expect to live 5.8 years longer than Indian females. Death rates are higher for Indians among every age group under 65 years of age than for the white population. While infant mortality rates for white, black, and Asian-Pacific populations are highest the first 28 days of life, most Indian infant deaths occur during the period from 29 days to 1 year of age. This difference is significant since deaths during the first 28 days of life reflect care received by the mother during pregnancy, while deaths occurring from the 29th through the 365th day reflect conditions in the home, use of health services, and societal influences.

Mr. DICKS. Now you only have about a minute left to summarize.

Mr. BEGAY. Okay. In the past, the Urban Indian Health Board has relied upon local and private resources for financial support. However, increased demand for services, spiraling health care costs, and dwindling local resources conspire to dictate the exploration of other avenues of financial support. Thus, the Indian Health Board is seeking a Federal appropriation of $500,000 for fiscal year 1991 to provide special developmental funding in order to elevate the clinic to a full-time, fully-staffed, normal operating status consistent with IHS budget regulations reporting requirements. This will be accomplished by bringing all current staff to full-time status and by adding another full-time physician.

Urban Indian Health projects that expenses of $691,185 will be required to operate at this level of service provision.

Mr. DICKS. Let me ask you this. You don't have the Federal Tort Claims Act coverage, right?

Mr. BEGAY. No, we do not.

Mr. DICKS. Would that help you, too?

Mr. BEGAY. Yes.

Mr. DICKS. Okay. Thank you. It has been a good statement. As I said, we're going to try to help in this area.

Mr. BEGAY. Thank you very much, sir.

Mr. DICKS. Right.

[The prepared statement of Mr. Begay follows:]

EUGENE A. BEGAY, JR., DIRECTOR, ST. PAUL URBAN INDIAN HEALTH BOARD, INC.

Honorable Chairman Yates and distinguished members of the Subcommittee on Interior and Related Agencies, I am honored to have this opportunity to testify today, March 15, 1990, on behalf of the 2,993 (1980 U.S. Census) American Indian residents of the greater St. Paul/Ramsey County area. I am requesting that $500,000.00 (five-hundred thousand dollars) for FY '91 be directed to Indian Health Service (IHS) under the INDIAN HEALTH CARE AMENDMENTS OF 1988, P.L. 100-713--NOV. 23, 1988, TITLE V--HEALTH CARE SERVICES FOR URBAN INDIANS to support the further development of high-quality primary health care services to those American Indian individuals and families characterized by low-income, high unemployment, poor health indicators, and a lack of access to high-quality health care services.

I have advised our esteemed Congressman, Mr. Bruce Vento, of the 4th Congressional District of Minnesota of these proceedings and I am pleased that he supports this appropriation request. I also have with me today, our federal legislative consultant, Dr. Eugene A. Begay, Sr. who is familiar to you and other members of the United States Congress.

The St. Paul Urban Indian Health Board (UIHB), located in St. Paul, Minnesota, was incorporated in 1978 pursuant to provisions of Chapter 317, Minnesota Statutes, known as the Minnesota Non-Profit Corporation Act and is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. UIHB is governed by a Board of Directors (9) elected by the corporate membership (approximately 3,000). UIHB is the primary provider of a culturally sensitive, high-quality primary health care services to the American Indian residents of the greater St. Paul/Ramsey County area. The vast majority of our service recipients are members of federally-recognized Indian tribes.

Expanding access to high-quality health care is one important dimension of improving the health care and functional status (quality of life) of American Indians. Yet, often that access is denied them. The reasons, while numerous, can be classified into two broad categories: financial and nonfinancial. Besides lacking money or health insurance, many urban Indians don't "fit" into the American system of health care or have been systematically excluded from its benefits. "The democratization of choice and the proliferation of decision makers in the American health care system..." hailed by Paul Ellwood, M.D., in a recent article published in the ***New England Journal of Medicine***, has not extended to the vast majority of Indian people.

Minnesota and the Twin Cities are recognized national leaders in both the quantity and quality of health care available to their residents. The Twin Cities, in particular, have been a "hotbed" in the development of a variety of managed health care systems. In fact, HMOs and other managed-care plans currently cover the majority of Twin Citians. Yet, growing numbers of low-income urban Indians have neither the money nor the ability to obtain even adequate health care.

According to Minnesota Indian People: Selected Health Statistics published, in May 1980, by the Minnesota Department of Health, Minnesota Indian populations grew from 15,496 in 1960 to 23,128 in 1970. This was almost a 50% increase in 10 years. During this period a massive migration to the urban areas comprised by Hennepin and Ramsey Counties, and the City of Duluth took place among Indian people. This population almost tripled during the decade, increasing from 3,378 in 1960 to 9,483 in 1970. According to 1980 U.S. Census data, Minnesota's urban Indian population

increased to 16,287.

While the overwhelming majority of poor and working poor are white, minorities are more likely to be low-income. By way of comparison, while 18 percent of whites (352,169) in the Twin Cities are low-income, 38 percent of Hispanics (8,309), 39 percent of Asian Pacific Islanders (7,563), 49 percent of blacks (23,560), and ***57 percent of urban Indians or 8,930 are low-income***. The low-income urban Indian population, for the purposes of this instrument, are defined as those Indian persons whose incomes fall below 200 percent of the federal poverty standard. These Indian people have the fewest personal resources to contribute to the cost of their health care and are the hardest hit by the lack of access to high-quality health care.

Vital statistics, including life expectancy, death rates and infant mortality, are commonly used as indicators of the overall health of a population. The discrepancy in health status as contrasted between whites and Indians is instructive.

Life Expectancy. White males born in 1980 in Minnesota could expect to live 6.1 years longer than Indian males. The difference is also significant for females; white females born in 1980 could expect to live 5.8 years longer than Indian females.

Death Rates. Death rates are higher for Indians of every age group under 65 years of age than for the white population. Indians suffer from a high mortality rate caused by motor vehicle accidents. Indian deaths from injury, suicide, and homocide together are almost twice that of the white and black populations. Indians, particularly Indian women, suffer high death rates because of chronic liver disease and cirrhosis of the liver.

Overall, Indians have higher mortality rates because of heart disease, malignant neoplasms, cirrhosis of the liver, pneumonia and cerebrovascular disease than do whites. Whites have lower death rates for almost all causes of death.

Infant Mortality. While infant mortality rates for the white, black, and Asian Pacific populations are highest through the first 28 days of life, most Indian infant deaths occur in the period from 29 days to one year of age. This difference is significant since deaths during the first 28 days of life reflect care received by the mother during pregnancy, while deaths occuring from the 29th through the 365th day reflect conditions in the home, use of health services and societal influences.

Morbidity. Although local data on disease rates (morbidity) is not widely collected, national data has shown that low-income persons have higher rates of acute and chronic conditions than middle- and upper-class persons. Lower rates of immunization, less access to preventive care and less access to physician services when illness strikes makes the urban Indian population an especially vulnerable population.

During 1989, UIHB initiated broad and sweeping changes its approach to meeting unmet health care needs. Whereas UIHB had previously offered only very basic health care services and had served primarily as an information and referral agency, plans were developed and implemented to expand the provision of comprehensive primary health care service components and to

intensify marketing efforts. These plans envisioned increasing the availability of physician time from 8 hours per month to 25 hours per week. Adequate allied health care staff needed to be recruited and hired. Equipment and supplies needed to be purchased and leased. Management and administration needed to be radically restructured. Clinical protocols and procedures needed to be developed. A program of quality assurance needed to be implemented. All of these objectives were accomplished at a cost of nearly $400,000.00 dollars. These funds were raised from city, county, and state grants and contracts. Local private foundation support was solicited.

Current operations employ 17 full- and part-time staff, including; one (1) director, three (3) part-time physicians, one (1) part-time dentist, a five (5) member prenatal care team, one (1) family nurse practitioner, one (1) laboratory technician, one (1) medical assistant, one (1) dental assistant, one (1) medical receptionist, one (1) van driver/outreach worker, and one (1) social worker. Primary prevention services include; family planning, prenatal care, well-child/well-adolescent care, health education, nutritional services, and immunization. Secondary prevention services include; periodic screening for child, adolescents, and adults, acute episodic medical care, and management of chronic medical problems. Support services include; basic laboratory services, pharmacy services specialty and subspecialty medical consultation, transportation services, and emergency medical services. Supplemental health services include; hospitalization, dental diagnosis and treatment services, social services, home health services, outreach services, and health promotion/disease prevention.

For the period of 4/6/89 through 3/13/90 UIHB has provided 2,686 units (encounters) of primary care services to 1,998 American Indian individuals. Over 85 percent of these Indian individuals had not been examined or treated by a physician within the previous year. In general, a significant majority of patients served by UIHB have been treated for a variety of complex health care problems. Thus, while attention is directed to the provision of preventive services, by force of need, UIHB providers have had to devote a significant amount of time to the delivery of acute episodic care, and to the management of chronic medical problems.

The birth rate for Indians is over 2 times greater than the general St. Paul/Ramsey County population. Furthermore, there are over 2 times the percentage of Indian mothers under 20 years of age than the general population. The percent of Indian women receiving either no prenatal care or beginning prenatal care during the 3rd trimester is 5 times greater than the general population. As a consequence of these factors, there is a correspondingly elevated percentage of high risk births among Indian women as contrasted with the general population. For the period of 1974-1976, 35.0 percent of all Indian births were high risk as compared to 18.6 for the general St. Paul/Ramsey County population.

In response to the incidence of high risk births amongst Indian women, UIHB developed a joint venture in conjunction with HealthStart (a local provider specializing in prenatal care) and the St. Paul/Ramsey County Medical Center. The basic arrangement entails a program of intensive outreach efforts and pregnancy testing, by UIHB staff, to identify Indian pregnancies; the provision of a program of comprehensive prenatal care services, by HealthStart staff; and delivery at the St. Paul/Ramsey County Medical Center. These efforts were initiated through the implementation

of weekly, 4-hour prenatal clinics during January of 1990. There has been a strong community response to this program. It is projected that over 150 Indian women will receive prenatal care and delivery through UIHB during 1990.

UIHB collaborated with the City of St. Paul Division of Public Health in the design and implementation of a program of screening for chronic diseases. To date, a total of 387 Indian individuals have been screened for cholestrol serum levels and 152 individuals (40 percent) have been found to be "at risk" for the development of coronary heart disease. None of these individuals had ever been screened for cholestrol serum level previous to our testing. Similarly, a total of 350 Indian individuals have been screened for glucose levels and 79 individuals (23 percent) have been diagnosed as diabetic. What is of particular significance here is that 70 of these individuals had never been previously diagnosed as being diabetic. Three individuals needed immediate hospitalization.

UIHB has public funding totaling $147,405.00 committed for the period January 1, 1990 through December 31, 1990. Current grants and contracts derive from the following sources, in the following amounts: City of St. Paul - $51,828.00; Ramsey County - $28,440.00; State of Minnesota - $30,836.00; and United Way of St. Paul - $36,301.00. Additionally, UIHB projects the collection of $77,500.00 in 3rd party billing reimbursement, based on current service levels. Total income for 1990 is anticipated at $224,905.00.

In the past, UIHB has relied upon local public and private resources for financial support. However, increased demand for services, spiraling health care costs, and dwindling local resources conspire to dictate the exploration of other avenues of financial support. Thus, UIHB is seeking a federal appropriation of $500,000.00 for FY '91 to provide special developmental funding in order to elevate the clinic to a full-time, fully staffed normal operating status consistent with IHS budget regulations and reporting requirements. This will be accomplished through bringing all current staff to full-time status and through adding another full-time physician. UIHB projects that expenses of $691,185 will be required to operate at this level of service provision.

UIHB provides a unique opportunity for directing public and private resources and expertise towards seeking out, initiating, promoting, and sustaining those health services which enable Indian persons to realize their optimal fullness of being.

We believe that such efforts efforts must be directed toward utilizing the strengths of Indian culture and the great value that Indian tradition attaches to the nurturing of strong family and community ties, since these strengths foster favorable outcomes.

This belief provides the primary thrust behind this proposal to further develop a comprehensive, high-quality primary health care program. This philosophy is based on the belief that such service will strengthen Indian community and personal integrity, and further promote the dignity and quality of Indian life.

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE

WITNESS

PATTY MARKS, ON BEHALF OF THE NAVAJO NATION HEALTH FOUNDATION

Mr. DICKS. Testimony of Jeffrey J. Hamblen, chief executive officer of the Navajo Nation Health Foundation? This is not Jeffrey.

Ms. MARKS. I am Patty Marks, not Jeff Hamblen.

Mr. DICKS. Well, Patty, glad to have you here.

Ms. MARKS. Thank you. Mr. Hamblen was called away for a business emergency.

Mr. DICKS. Well, we'd rather have you anyway.

Ms. MARKS. Thank you. It's always a pleasure to see you.

My written statement is part of the record, so I'd like to do something slightly shocking, and that is to come in here and tell you that I'm not looking for money. I have a proposed solution to a problem that I hope will help tremendously with Sage and also help in Portland.

Sage Memorial is a contract health care provider owned by the communities of six chapters of the Navajo. We are pleased that on Tuesday of this week, thanks to Ms. Johnson's long-term help and the Committee's help, we have solved our payment relationship with IHS.

Mr. DICKS. Good.

Ms. MARKS. What we're experiencing is the same thing that I have heard testimony from a number of your constituents and others yesterday, and that is the problem with reimbursement. Essentially, Mr. Dicks, what happened is, in October of 1989, the Indian Health Service under pressure from OMB and a number of other procurement people outside the agency forced the Indian Health Service to go to an individual purchase order system for contract health care, in which a purchase order has to be put together and matched with all of the available charges that the contract health care provider has for each patient encounter.

So, for example, let's say a person goes into the hospital. First, a call goes to the IHS to determine eligibility. That is a piece of paper. Then a second call goes to the IHS to determine that they were properly referred. That is a piece of paper. Then every single procedure that is performed for that patient requires an individual purchase order. So let's take a child with the flu.

Mr. DICKS. Each procedure?

Ms. MARKS. Each procedure. For example, with Sage, Sage last year processed 52 purchase orders for patients lumped together for the Indian Health Service. Under the new system, they have already processed 60,000. Now each one of these has to be done individually by the contract health care provider's staff and by the Indian Health Service staff. What we are finding is that all of a sudden, take Sage Memorial, for example, which has a 90 percent Indian patient load of eligible IHS beneficiaries, is owed $643,000 from past due under-contract agreements. The same is true in Portland, Seattle, Albuquerque, everywhere that there is a private care provider providing services to Indians.

Because of the time it is now taking to put these procedures through the system, no one is getting paid, and Indian patients are being denied care. We just recently learned yesterday through colleagues of mine in the halls that Seattle, Port Angeles, and a number of communities are simply telling Indian patients to go home. It is not because there is not contract health care money and not because the Service is not properly referred, but simply because they are not going to incur costs. This includes out-of-pocket costs.

For example, there is a new purchase order every single time a prescription is issued or refilled. So a patient, for example, that is suffering from diabetes has probably 4 purchase orders for doctor's visits, 21 purchase orders for insulin, and 50 purchase orders for insulin refills, simply in a six-month period. This, we believe, is a problem.

Mr. Jeffrey Hamblen, the executive director at Sage, has a master's degree in hospital administration. He has volunteered his services to Dr. Everett Rhoades, and is volunteering them to the Committee, to sit down with anyone interested, along with a number of other contract health care providers who are colleagues of his, to explain the problem to the Committee and try to come up with a solution that solves the Government's procurement record-keeping problem and saves money.

We would venture to guess that between the Indian Health Service and the contract health care providers, the cost of just paying the staff to process this new, stupid paperwork is eating up more money for Indians than anything the Committee is having to cut.

Mr. DICKS. I get the impression you feel strongly about that?

Ms. MARKS. I feel mad. I saw the system, and I have dealt with so many of my clients on priority one, people that I know and are very close to, who can't get service. I understand that——

Mr. DICKS. I would appreciate it if you would explain this to our staff in greater detail. We will bring this up and see if we can't get this thing straightened out.

Ms. MARKS. Great. I have one other quick point that I'd like to make before closing. That is that with Sage Memorial one of the things I've had a personal opportunity to study quite closely is the Medicare/Medicaid payment methodology that the committee recommended a few years ago.

From my own personal and professional opinion, I believe it is generally good for urban area hospitals, but I think for smaller, remote, rural hospitals it is simply not reimbursing them for the actual cost of providing care. I think that that can be documented by a number of them.

I would encourage the Committee to look at an alternative method that still doesn't just leave the door open to pay whatever they might send a bill in for, but would also allow for them to get reimbursed to the point that we're not closing hospitals, for the Government obviously can't afford to build them at this particular point in time.

Mr. Dicks, it is a pleasure to see you. Thank you for everything. On behalf of Jeff, a special thanks to Ms. Johnson.

Mr. DICKS. All right. Good. You get us filled in on this, and we will check into it.

[The prepared statement of Mr. Hamblen as submitted by Ms. Marks follows:]

NAVAJO NATION HEALTH FOUNDATION

SAGE MEMORIAL HOSPITAL
POST OFFICE BOX 457 / GANADO, ARIZONA 86505 / (602) 755-3411

TESTIMONY OF JEFFREY J. HAMBLEN, CHIEF EXECUTIVE OFFICER

Navajo Nation Health Foundation/Sage Memorial Hospital

Before The House Appropriations Sub-committee on Insular and Related Agencies

The Navajo Nation Health Foundation, Sage Memorial Hospital (SMH) continues to operate as a private, non-profit corporation providing inpatient, outpatient, dental, emergency room, ambulance, and community health nursing services through our contract with the Indian Health Service to eligible IHS beneficiaries. In our previous testimony before this committee we have addressed problems and concerns with:

O Contract care payment policies and methods.

O The amount of contract funds appropriated.

O Scope of service and service area perimeters.

We are pleased to advise you that Sage and the Indian Health Service are near agreement on the payment method issue. Last year, you'll recall, we strongly objected to the use of medicare rates as a basis for reimbursing us for services rendered to IHS beneficiaries. We asked the committee to support an exemption for Sage from this IHS policy. An exemption was granted and Sage was reimbursed in accord with its Arizona State approved fee schedule. Data from last year has been analyzed by the Navajo Area Program Planning Development office and by Ernst & Young. Both recommend continued use of our State approved fee schedule as a basis for reimbursement. This year we are recommending a $3,850,000 appropriation to the Indian Health Service to purchase contract care services from Sage.

We feel confident making this recommendation because of the effort we have put forth to bill and collect funds from third party resources. The attached chart shows Sage outpatient and inpatient workload, IHS contract care payments and SMH total revenue, from 1984 to 1989. In this period outpatient workload increased 38%, total hospital revenue increased 114% and the portion of total revenue from payments the IHS dropped 22%. This means that Sage has done an outstanding job of collecting

payment from 3rd party payors such as Medicare, AHCCCS, and private insurance companies and is less dependent on the Indian Health Service.

A major problem facing Sage (and all other contract care providers) is the Indian Health Service payment process. On October 1, 1989, the Indian Health Service implemented regulations requiring Sage to process an individual purchase order for every billable patient encounter. This dramatically increased the "paperwork". Sage and the IHS will handle more than 60,000 purchase order forms to process outpatient payments in FY 1990 when 52 had on the job in FY 1989. The new procedures have slowed our payments and forced us to expand our clerical staff. Sage has accounts receivables with the Indian Health Service for FY '90 in excess of $643,000. Eight full time positions have been added to our business and registration staff to cope with this additional paper work. This system is abominable. When we suggest changes we are told "it's the regs". When we suggest changing the "regs" we are not understood. We encourage the committee to establish a task force of IHS officials and contract care providers to review these regulations and design a more efficient system.

We continue to differ with the service and service area limits imposed on the Indians by the Indian Health Service. Sage is operated by the Navajo people for the benefit of the Navajo People, and should be reimbursed by the IHS for the care it renders to any eligible beneficiary who seeks its service regardless of where they live.

Thank you.

NAVAJO NATION HEALTH FOUNDATION
SAGE MEMORIAL HOSPITAL

NAVAJO NATION HEALTH FOUNDATION/SAGE MEMORIAL HOSPITAL

REVIEW AND WORKLOAD STATISTICS

		1984	1985	1986	1987	1988	1989
A)	Outpatient Clinic Visits	33,585	35,331	40,969	43,493	44,031	46,402
B)	Inpatient Discharges	1,280	1,280	1,309	1,140	1,126	1,046
C)	IHS Payments	$2.335M	$2.335M	$2.247M	$2.597M	$3.416M	$3.017M
D)	SMH Total Revenue	$3.451M	$3.779M	$4.703M	$5.17IM	$7.518M	$7.403M
E)	IHS Payment As a % of Total SMH Revenue	67%	59%	48%	50%	45%	41%

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE, BUREAU OF INDIAN AFFAIRS

WITNESSES

INDIAN HEALTH COUNCIL

DENNIS MAGEE, ADMINISTRATOR, INDIAN HEALTH COUNCIL, INC.
ADELAIDE PRESLEY, RIVERSIDE-SAN BERNARDINO INDIAN HEALTH, INC.
RALPH GOFF, CHAIRMAN, SOUTHERN INDIAN HEALTH COUNCIL
BARBARA KARSHMER, ATTORNEY, INDIAN HEALTH COUNCIL, INC.

Mr. DICKS. The Indian Health Council, Riverside-San Bernardino County Indian Health, and the Southern Indian Health Council? We have a number of people here. We want to welcome everyone. Who is going to be the spokesperson?

Mr. MAGEE. I am, sir.

My name is Dennis Magee. I'm the administrator of the Indian Health Council, Inc., San Diego County. On my left is Barbara Karshmer, our attorney, and on my right is Ralph Goff who is the chairman of the Southern Indian Health Council in San Diego County. We also are representing Riverside-San Bernardino Indian Health by Adelaide Presley.

These programs are funded to provide comprehensive health care——

Mr. DICKS. We will put your entire statement in the record, and we would ask you to summarize.

Mr. MAGEE. Okay. I'll just turn this over to Barbara, our attorney, and she can go ahead and hit on the finer points.

Ms. KARSHMER. Thank you, Mr. Dicks. We appreciate the opportunity to be here today.

As this committee is aware, since we have testified here before, these three programs serve approximately 36,000 reservation Indians on the rural and reservation areas of southern California. They serve 27 reservations through Public Law 93-638 contracts, so they're tribally-controlled programs.

They are requesting that this Committee fully fund the Indian health care improvement fund at the $19 million authorized level. Specifically, we are requesting within that that this Committee direct that $10.3 million of that fund be spent in California. We make this request due to the serious historical underfunding in California.

Back in the 1950s, during the termination era, all services were withdrawn from California by the Indian Health Service. When the termination era ceased in the 1970s, services were not brought back in. As a result, the tribes in California, through the Rincon Band of Mission Indians, sued the Indian Health Service to force them to provide the same level of care for California Indians as Indians elsewhere.

In 1980, the U.S. Court of Appeals for the Ninth Circuit directed that the Indian Health Service provide the same level of services for California Indians as elsewhere. As a result, we came to this

Committee back in 1980 to request funding be added on so that California Indians could receive that same care.

The Committee established what was called the "equity fund" at that time, which continued until 1985. Of $37 million that was appropriated for the equity fund, California Indians did receive $13.7 million, but they remained at the bottom of the barrel with the lowest level of care funded of any area.

We continued to come to Congress. Congress continued to appropriate additional money to serve the Indians at the lowest levels of funding. However, Indian Health Service refused or inadvertently did not give that money to the areas that were the most in need. A recent report of the Indian Health Service to Congress that was called the "Health Service Priority System Report" of January 1990, had some real appalling statistics in it. It showed that of the $999 million that was allocated by the Indian Health Service using the RAM—resource allocation methodology—between 1986 and 1988, California only received $4.5 million.

They distributed all the money through this formula to areas all over the country rather than to areas that were the most severely in need. They say that they distributed funds to areas that had less than 82 percent of need. If you look at the graph that we have attached on the fifth page of the testimony, you'll see that all areas had 82 percent or less of what they needed, and California remains at the bottom.

Indian Health Council has 45 percent of its needs met. Riverside-San Bernardino has 50 percent of its needs met. This is despite all the increases in funding that were made by this Committee between 1981 and 1989.

We have, in each of these programs, made substantial increases in services provided. For example, at Riverside-San Bernardino it went from 62,000 patient visits in 1982 to 240,000 patient visits in 1989, so that the need for care is there. The programs are providing only their most basic services, and they need funding. There is no doubt about it. They remain at the bottom of the barrel, despite all these years of add-on funds from Congress.

I think one of the most compelling disparities is a chart that we attached as Exhibit B to the testimony which shows the level of CHS funding given to each area. The Portland area is the only other area with no IHS hospital beds. That area received $22 million for CHS funding. California is the other area that has no IHS beds. They have virtually the same population. California received only $1.6 million, so Portland received roughly 17 times the funding for CHS services that California did.

It is because of these repeated instructions that have come from Congress and from the courts that California and the areas of least funding should be served, which have been ignored by IHS, that we're asking you for a change to specifically direct IHS to provide $10 million in funding. We take that view from the figures in the health services priority report. Using IHS' own figures in that report, it appears that that is what is needed to bring California up to the average level of all of the other areas. One of the other problems we have asked this committee to address is the problem of the fact that there have been no facility monies ever spent in Califor-

nia. The programs are all tribally run as are their ambulatory care facilities.

IHS's facility formulas do not make provisions for small ambulatory clinics to be expanded or renovated through their facility formulas for funding. The programs are leasing space and leasing trailers. They need space to expand for their current staff rather than to expand for future staff. It is a very urgent need that needs to be addressed. The Indian Health Service, again, is not taking this into account.

We have pointed out in the testimony a number of different areas where California continues to be shortchanged. One specific example is the physician incentive funds that IHS provides for all areas because physician recruitment is extremely difficult.

It is based on the funding that each area has received or each program has received in the last three years. Because the California area has not received any physician incentive funds in the last three years, they'll continue to receive no physician incentive funds because they have no track record to base this year's funding on. That tends to be the situation in many areas of the budget because they're based on prior year's funding where the California area has not received that funding. They are, again, excluded from receiving it this year and every year forward.

So we're asking that the Committee direct a specific line item for California in order to begin to meet these inequities which the Indian Health Service has not voluntarily dealt with in any serious manner over the last 10 years.

I don't know whether anyone has anything to add to that.

Mr. DICKS. Well, we appreciate your statement and appreciate all of you being here. As you have noted, this committee has tried to help on this problem in the past. I would make note that we have a very distinguished member of this subcommittee from California. The two of you may want to also make sure that he is well informed on this issue. Also, Congressman Lewis from California is on the full committee. I think he represents the area there, too.

Anyway, thank you for being here. We appreciate a very good statement, and we'll see what we can do.

Ms. KARSHMER. We would appreciate that. Thank you.

Mr. DICKS. Thank you very much.

[The prepared statement of the Indian Health Council, Inc., etc., follows:]

FY 91 TESTIMONY RE: INDIAN HEALTH SERVICE BUDGET
RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC.
INDIAN HEALTH COUNCIL, INC., AND
SOUTHERN INDIAN HEALTH COUNCIL, INC.

BEFORE THE APPROPRIATIONS COMMITTEE
SUB-COMMITTEE ON INTERIOR AND RELATED AGENCIES

Riverside-San Bernardino County Indian Health, Inc. (RSBCIH), Indian Health Council, Inc. (IHC) and Southern Indian Health Council (SIHC) are tribally-controlled, Indian operated health programs which provide services to nearly 36,000 Indians on and near 27 reservations in the rural/remote areas of Riverside, San Bernardino, and San Diego Counties in Southern California. These programs are funded to provide comprehensive health care through P.L. 93-638 contracts with the Indian Health Service and take the place of IHS in their service areas. They are appearing before the Committee today represented by Dennis Magee, Program Administrator, IHC; Adelaide Presley, Executive Director, RSBCIH; Ralph Goff, SIHC Board Chair, Frank LaChappa, SIHC Vice Chair, and Joe Bulfer, SIHC Executive Director; and Barbara E. Karshmer, Attorney at Law, with the following requests:

I. RESOURCE NEEDS

We urge the Committee to appropriate the full $19 million authorized for the Health Care Improvement Fund and direct that $10.3 million of it be spent in California where the needs are most serious and longstanding. As this Committee is aware, the Indian Health Service was directed by the U.S. Court of Appeals for the Ninth Circuit in 1980 to "Adopt a program for providing health services to Indians in California which is comparable to those offered elsewhere in the United States." As a result of our requests to Congress in 1980 for additional funding to implement this decision, the original "Equity Fund" was established to address the needs of those tribes who were the most seriously underfunded, as were those in California. Of the $37 million appropriated for the Equity Fund between 1981 and 1985, California tribes received only $13.7 million, despite the fact that throughout these years of funding increases, California continued to have the lowest level of care of any IHS area.

After 1985, IHS began using the Resource Allocation Methodology (RAM) to distribute funds which Congress appropriated for tribes which were the most in need: however, in its Health Services Priority System Report to Congress dated January 1990, IHS makes a startling admission, namely: the threshold for distribution of funds through RAM was set at 18% deficiency. See page 26, Id. This means that tribes or areas with 82% of the funding they needed were sharing in funding which was intended to go to the tribes with the lowest levels of funding. If one looks at the current FY 88 Level of Need Funded chart attached hereto as Exhibit A, one sees that all IHS Areas received 82% or less of the funding they need. Thus, IHS was simply dividing up the funding intended for the lowest funded areas among all the areas of the country, no matter how comparatively well-funded they were. Consequently, of the $999 million dollars IHS allocated between 1986 and 1988 using the RAM formula, California received only $4.5 million total. And, as IHS points out in its Report at page 19, "RAM funding deficiencies were calculated with respect to existing programs and current services and not with respect to new and additional health services required for comparability across areas." Thus, once again California was left behind all other areas for it did not have all the services provided to other areas and the funding formula that IHS used was not designed to allow California Indians to obtain the comparable services.

Now IHS uses a new measurement called Level of Need Funded (LNF). According to the same report, LNF is "based upon improving the quality and scope of health services rather than elevating the volume of services to the ideal levels assumed in the original HSPS." Id., at p. 14. Thus, this formula appears to measure needs against a lower undefined standard rather than against an optimal set of services. Even using this LNF formula, California ranks at the very bottom despite IHS being given ten years of funding to bring those at the lowest levels up to the average levels of care. The California area still ranks lowest nationwide with 57% LNF as compared to the average LNF of 71%. See Exhibit A.

Indian Health Council has only 45% LNF with a 55% deficiency and Riverside-San Bernardino County Indian Health has a LNF of 50% with a deficiency of 50%, neither attaining the California Average LNF of 55% nor even approaching the national average of 71%. While SDHC with a 61% LNF is above the California average, it remains 10% below the national average.

As the GAO pointed out several years ago, IHS creates the appearance of progress through manipulation of numbers and formulas, not through any real change. Because of the refusal of IHS to deal with this critical problem of underfunding as mandated by Congress and the Courts for ten years, we request that the IHS be directed to spend $10.3 million of the Health Care Improvement Fund in California this year to bring California up to the average level of all other areas without having to wait another ten years and without need to go back to Court to have the Federal Courts dictate resource allocation.

This is not to say that the funds which we have received over the last ten years have not helped. They have. We have increased our services drastically, as can be seen from the following figures for RSBCIH:

YEAR	1982	1983	1984	1985	1986	1987	1988	1989
PATIENT VISITS	62,696	95,705	118,168	139,235	187,894	210,912	225,587	240,438

However, we are still unable to provide the most basic services needed by the Indians we serve due to insufficient funding.

II. OTHER FUNDING ISSUES:

In all funding categories, California is shortchanged. We cite the following examples and request that the Committee direct IHS to rectify these discrepancies:

A. CHS Funding. As is demonstrated by the chart attached hereto as Exhibit B, California receives only $1.6 million in CHS funds which represents 1% of the CHS budget for IHS although California has 6% of the CHS users. This translates to funding of $36 per user, which is unconscionably low because California does not have any hospital beds and must purchase all inpatient care through CHS. Even Portland, with no hospital beds and almost the exact same number of users, gets nearly 14 times the funding for CHS care that California does. There is no justification for this disparity. We request that $20 million be added to the budget for CHS and be directed specifically to California in order to bring California up to the same level as Portland which is the only other area without IHS hospitals.

B. Scholarships. Funds for scholarships are not divided equitably and the California area receives almost no funding for this purpose.

C. Training Funds. These funds are not normally provided for the California area although they are provided for other areas.

D. Physician Incentive Funds. These funds are being provided everywhere except in California and are based on the actual expenditures for this purpose in the last three years. Because California has never received any funding for Physician incentive bonuses, it has no history of actual expenditures and therefore gets no money again this year.

E. Maintenance and Repair. The entire California Area receives only a token $20,000 which is not enough to meet the needs of even one tribal program. This distribution is especially inequitable because California has never received maintenance and repair funds and will continue to be shortchanged in the future if 1990 is representative.

F. JCAHO. While we agree that JCAHO accreditation is an admirable goal, it is very expensive to obtain accreditation. Often our facilities need modifications or staffing for which we do not have funds. Either, we need to be provided sufficient funding to allow us to meet these costs or we should be provided funds to implement an effective quality assurance program as a less expensive alternative.

III. FACILITIES.

The IHS has not built any health care facilities in California, but instead utilizes tribally-owned or leased facilities. We are here to request that the Committee instruct IHS to give priority consideration to the needs of small tribally-operated programs in California for construction funds. It is our understanding that IHS has disparate standards for construction of tribally-operated facilities versus IHS operated facilities, standards which make it more difficult for tribal programs to obtain construction funds. And, these standards make no provision for small ambulatory care facilities at all, thus eliminating all California programs.

Our facilities were originally constructed by the Indian people with IHS assistance from IHS; however, because our staffing has increased, our space needs also increased but we have no funds for expansion. Moreover, our facilities need to be expanded and improved to meet the JCAHO accreditation standards.

A. Indian Health Council, described in Exhibit C, facilities needs are the following:

Request: Facility expansion: $600,000
Equipment: $110,000

The current 4,300 square foot facility on the Rincon Indian Reservation is the primary facility from which we serve the eight reservations and 7,220 Indians in rural northern San Diego County. The program also operates a satellite clinic on the Santa Ysabel Reservation. A brief description of the program is attached hereto as Exhibit C. Our main facility is in dire need of a 7200 square foot expansion to accommodate our present staffing level. Although the IHS National Plan some years ago identified a need for $9.75 million for modernization of our health center, we believe that it would be more cost-effective to expand the facility by 7,200 square feet at the cost of $600,000 with related equipment costs of $110,000.

B. Riverside-San Bernardino County Indian Health, described in Exhibit D, facilities needs are:

Request: Facility Expansion: $850,000

This funding is necessary for a 8,500 square foot expansion to meet JCAHO accreditation standards and the fire marshal's safety recommendations. Also, RSBCIH currently leases mobile facilities and office space, but it would be far more cost effective if we were able to construct or purchase facilities for which we spend $121,000 per year to lease. In the interim, we are leasing mobile units for $8,000 per month which could be purchased at a total cost of $240,000 at one reservation alone.

C. Southern Indian Health Council, described in Exhibit E, needs the following:

Request: Facility Expansion: $500,000

This funding would allow a 5500 square foot facility expansion. Although SIHC has recently built a new out-patient facility with HUD funding, there was not sufficient funding available to meet the program's facility needs. Consequently, half of the clinic remains housed in trailers and cannot operate efficiently or effectively.

Therefore, we propose to build a 5500 square foot extension to house our community health, substance abuse, mental health, social services, outreach, fiscal, billing, administration, environmental health, and maintenance departments.

IV. P.L. 93-638 REGULATIONS.

We request that this Committee oversee the P.L. 93-638 regulatory process. The current proposed regulations go far beyond and in some instances re-write the law enacted by Congress and in doing so contravene the very intent of the law. Congress made it clear that the Act was amended to simplify the contracting process. Instead, the BIA and IHS have made the contracting process far more difficult and complicated than it was previously. As written, the currently proposed regulations erect significant roadblocks which impede our ability to contract under the Indian Self-Determination Act.

CONCLUSION

In conclusion, the Boards of Directors of RSBCIH, SIHC and IHC urge this Committee to continue to assist us in meeting the needs of the nearly 36,000 Indians whom we serve by providing funds in FY 91 to expand and equip our existing facilities and to increase services to our tribal members. If the Committee is unable to do so through the existing appropriation process, we request that the Committee consider a special appropriation just for California to address 35 years of inequities which IHS is unwilling to rectify.

Thank you for your continuing assistance with these matters which are so vital to improving the health of the Indians we serve.

Dated: March ___, 1990.

Respectfully submitted,

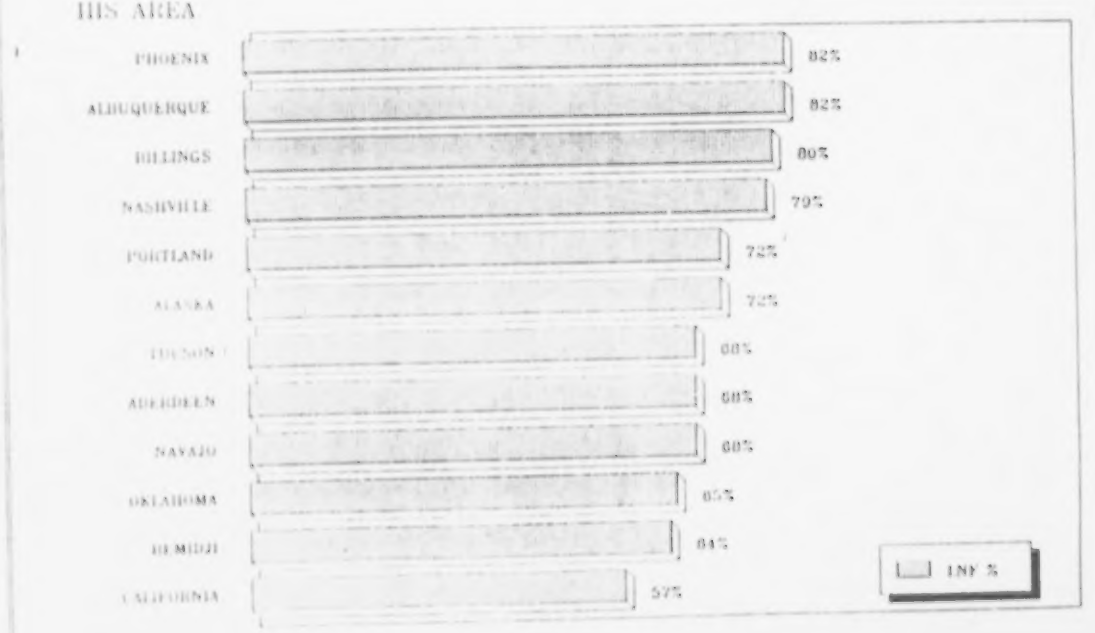
RIVERSIDE-SAN BERNARDINO
COUNTY INDIAN HEALTH, INC.
11555 1/2 Potrero Road
Banning, CA 92220
714/849-4761

INDIAN HEALTH COUNCIL, INC.
P.O. Box 406
Pauma Valley, CA 92061
619/749-1552

SOUTHERN INDIAN HEALTH COUNCIL
4058 Willows Road
Alpine, CA 92001
619/445-1188

By: _____
Barbara E. Karshmer
ALEXANDER & KARSHMER
1900 Addison Street, Ste. 200
Berkeley, CA 94704
415/841-5056

INDIAN HEALTH SERVICE
FY 1988 LEVEL OF NEED FUNDED (RRM)



NOTE: AVERAGE INF IS 71%

OPPD/NAIHS

Contract Health Service Funds Distributed by Area

	CHS $	%tot	Users	%tot	$/User	Beds	$/Bed	Users/b
Aberdeen	24,188,000	14.3%	86,975	11.5%	278	271	89,255	3
Alaska	23,430,000	13.8%	85,784	11.4%	273	204	114,853	4
Albuquerque	12,372,000	7.3%	61,308	8.1%	202	142	87,127	4
Bemidji	11,186,000	6.6%	37,113	4.9%	301	36	310,722	1,0
Billings	21,301,000	12.6%	62,701	8.3%	340	77	276,636	8
California	1,648,000	1.0%	45,171	6.0%	36	0	0	45,1
Nashville	9,205,000	5.4%	26,954	3.6%	342	35	263,000	7
Oklahoma	20,954,000	12.4%	202,182	26.8%	104	216	97,009	9
Phoenix	16,848,000	10.0%	80,648	10.7%	209	318	52,981	2
Portland	22,562,000	13.5%	46,845	6.2%	488	0	0	46,8
Tucson	5,194,000	3.1%	20,108	2.7%	258	37	140,378	5
	169,188,000	100.0%	755,789	100.0%		1,336		

Cal budget of $4,648,000 would result in funding per user of $60

EXHIBIT B

INDIAN HEALTH COUNCIL, INC.

INDIAN HEALTH COUNCIL, INC. was incorporated in 1970 as a non-profit Indian controlled program with primary responsibility for providing health care services to 8 Indian reservations in Northern San Diego County. The main health center is presently housed in a 4,300 square foot medical-dental outpatient facility, that was completed in 1976 after four years of local fund raising for construction and equipment. Contributions came from civic clubs, church groups, corporate donations, special fund raisers, individuals, small foundations, schools, and special benefits sponsored by the San Diego Chargers professional football team. The U.S. military, as well as local Indians, donated labor and much of the material was contributed to complete the fully equipped $300,000 health center. In addition, IHC has one (1) 3000 square foot satellite facility providing health care in a more remote area of Northern San Diego County. An additional 4200 square feet of space is provided by mobile units surrounding the present facility.

The program presently employs 1 full-time general practitioner, 3 nurses, 3 dentists and 2 hygienists. Specialty care is provided at the main clinic site by an Internist, OB/GYN, Pediatrician, and Podiatrist, 4 hours per week each. Home health care is provided by a Public Health Nurse, Home Health Aides, and a Registered Dietitian. Counseling is provided by two licensed Marriage and Family Counselors and a social worker.

The program has a very limited amount of contract care funds for hospitalization, specialty care or any kind of in-patient care and Optometry.

Due to limited funds, geographic isolation and hazardous road conditions, the health centers were able to serve just a portion of the nearly 6,220 Indians residing in this service area which the U.S. Indian Health Service has determined as the target population. Utilizing a small fraction of the actual needed funding the program managed to serve about 60% of the people who are in desperate need of adequate health care.

EXHIBIT C

RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC.

RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC. was established in 1968 as a non-profit tribally controlled and managed comprehensive health program to serve the needs of the Indian population living on or near eleven Indian Reservations in rural Riverside and San Bernardino counties in Southern California. The program initially began with modest funding provided by the California State Department of Health. Today the P.L. 93-638 organization is comprised of nine reservations, and is principally financed by Indian Health Service.

The first clinic facility utilizing a volunteer dentist was located in an abandoned 15'x15' jailhouse constructed in 1917 at the Morongo Reservation. The Indian people were determined to meet the urgent health needs of the reservations and through community contributions for materials and by utilizing self-help, i.e., Indian men and women volunteers, the first 1200 square foot clinic building was built at the Morongo Reservation in 1971. Today Riverside-San Bernardino County Indian Health, Inc. has a combination of leased mobile and modular units at the Morongo Reservation; a leased 4700 square foot facility to serve the Soboba, Santa Rosa and Cahuilla Reservations; a portable 1440 square foot medical clinic serving the very remote Torres-Martinez Reservation; a 4700 square foot (HUD financed) facility which was completed in August 1984 on the San Manuel Reservation in San Bernardino County and a 1200 square foot (HUD financed) facility opened on the Pechanga Reservation in December 1985. The 1980 Census estimates the present Indian population of our 27,000 square mile service area to be 19,132. It should be noted that our two county service area encompasses the largest and fifth largest counties in the United States, respectively. The program during the past two years registered approximately 15,231 individual patients.

Clinical services provided include medical care, podiatry, clinical laboratory, pharmacy, dental care and optical care. Community health services provided include behavioral health counseling, community health nursing, community nutrition, environmental health and health promotion counseling.

The program has enjoyed tremendous growth due exclusively to Equity Health Care Appropriations demonstrated as follows:

Total Patient Visits

1985	1986	1987	1988	1989
142,271	187,894	210,912	225,587	240,438

SOUTHERN INDIAN HEALTH COUNCIL, INC.

SOUTHERN INDIAN HEALTH NARRATIVE

The Southern Indian Health Council, Inc. is a legally recognized non-profit organization operated and controlled completely by Native Americans from the indigenous tribes located in the Southern half of San Diego County. The SIHC represents Seven Reservations; Barona, Campo, Manzanita, Viejas, Cuyapaipe, La Posta, and Jamul.

PROGRAM DESCRIPTION

The overall goal of the Southern Indian Health Council, Inc., is to operate a system of primary care for reservation and non-urban Indians in Southern San Diego County.

This primary care system serves as a point of entry into comprehensive health care system responsible for assuring continuity of all the care the patient may subsequently need. It is supported by a full complement of on-site back-up and program support services.

The geographical area served by the Program is Southern San Diego County, in the State of California, excluding the City of San Diego, metropolitan area, and the Sycuan Reservation.

The Program's service population consists of the reservation and non-urban Indians, other eligible Indian people living in the Program's service area, and other related, non-Indian people. According to the 1980 census, there were currently 5,150 Indians living in the service area. This number is currently estimated at approximately 6,400.

The Medical Department, with a highly trained staff, provides preventive detection and general medical care services for clinic patients. The Medical Department also provides podiatry, pediatric, nutritional, orthodontic, and cardiology care on a minimum contractual basis. There is also a night clinic once a month to serve the working population.

The Indian Reservations of Southern Indian Health Council, Inc. are in rural areas. There are great distances between reservations, and the tribal populations are dispersed widely on the reservations themselves. Ground transportation is dominated by rugged terrain, and rough dirt roads. Further problems in communication and contact are caused by lack of vital services to many homes in the SIHC Area. The driving time from the SIHC Clinic, located in Alpine, CA., can be as much as an hour when traveling to the outlying reservations.

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE

WITNESSES

CALIFORNIA RURAL INDIAN HEALTH BOARD

JOSEPH SAULQUE
JAMES CROUCH
LAURA MANUEL
NEDDEEN NAYLOR
WARD ANDERSON
DENNIS HENDRICKS
JEROME SIMONE
ANITA SILVA
MARIE TRIPP
IILENE CAPE

Mr. DICKS. The California Rural Indian Heath Board? Welcome. Just pull up the chairs.

Welcome. When each speaker speaks, identify themselves.

Mr. SAULQUE. Right. What we'll do is we'll just go ahead and I'll start off as chairman of the California Rural Indian Health Board, and then we'll each summarize a portion of our testimony.

Each of you can identify yourselves as you go to speak.

Mr. DICKS. That's very good. Thank you. We'll put your entire statement in the record, all of your statements in the record, and you may summarize as you wish.

Mr. SAULQUE. The issue that I'm going to speak to this morning is tribal support costs, which are costs that tribal contracting projects incur that the Federal Government absorbs throughout the system.

One of the costs, as an example, is the board of directors costs of each of the projects that we have. Therefore, we are in support of the $22.6 million for this budget item that the Indian Health Service is requesting. That is basically what I have to say on that one. I'll turn it over to Jim.

Mr. CROUCH. Jim Crouch, executive director, California Rural Indian Health Board.

In our prepared statement, you'll notice that we begin by pointing out the fact that the Indian Health Service is terribly underfunded, approximately $500 million underfunded, and this has recently been validated by three separate methodologies, and that regardless of which methodology is used, a major portion of that shortfall accrues to California. California Rural Health Board, representing 40 tribes providing about 44 percent of the health services in California, has long been interested in the issue of underfunding for health care systems in California.

However, because of the magnitude of the current shortfall nationally, we feel that this year is the year that we must join with our neighbors to the south and ask for a line item appropriation of approximately $10 million specifically for California to be used to backfill a whole series of shortfall underfunding that is identified

by the Indian Health Service in their HSPS document and through their established RAM and RAC technologies.

We would also like to call your attention to some technical issues that we'd like you to address with the bill that are not related to funding. One is the issue of how the RAM methodology impacts on small organizations. Two years ago, this committee asked that the IHS review that formula and that process and how it impacted on large and small entities. In 1989, they changed that distribution formula in favor of large entities. They have not done the research or made the corrections necessary to deal with small entities, so we'd ask that you direct them to do the research necessary to look at small entities.

Next, we would also like to speak in favor of the Administration's request that the appropriations be split between IHS direct care system and tribally-operated programs. We believe that without this split, which is an important parcel of the accounting system now in place, in response to Public Law 638, that without that split in the actual appropriations request document, you cannot, nor can we, track the flow of funds inside the Indian Health Service.

Lastly, I'd like to bring your attention to tribal management support funds. We are requesting $6 million for that particular request. It is also part of the IHS improvement package. Our figure is somewhat higher. We think that the committee should direct the Indian Health Service to provide equal access to those funds for grant programs that would strengthen existing 638 contractors. At this point, the criteria upon which those technical assistance grants are awarded, give priority to tribes that are beginning to initiate 638 contracts or those who want to expand.

In California, 100 percent of the health care services are delivered by 638 contractors. There is a tremendous change in turnover and need for growth in development. We believe tribal management support funds is the way to provide technical assistance to those existing entities.

With that, I'd like to turn the microphone over to Anita Silva.

Mr. DICKS. Welcome.

Ms. SILVA. Hi. My name is Anita Silva. I'm from California. I'm the chairperson for the Sonoma County Indian Health Project. I'm a member of the Stewart's Point Kashi Indian Tribe way up on the coast by Sea Ranch. I'm on top of the mountain.

Well, anyway, the report that was submitted to you has some subheadings in it, and I'll be looking on page 3 under the "Indian Health Manpower."

Mr. DICKS. Okay. Good.

Ms. SILVA. The enduring lack of Native Indian health professionals continues to prevent our health programs from reaching their full potential, as we need culturally-relevant health delivery systems within our respective Indian communities.

We are operating comprehensive clinics of the highest caliber. Quality assurance in health care requires fully-credentialed professionals in the fields of medicine, dentistry, nursing, community health, mental health administration, and fiscal operations. Such credentials require many years of both education and experience, a reality that remains untenable for many Indians.

While it is understandable, their medical and dental school admissions will remain difficult to achieve. Other areas, such as nursing, lab, x-ray, counseling, administration, and other areas offer considerable career potentials and represent realistic goals for many deserving Indian students.

We, therefore, recommend the increase in IHS funding for Indian health manpower development.

Mr. DICKS. Okay. Good.

Ms. SILVA. Next is—you introduce yourself.

Ms. TRIPP. Hello. My name is Maria Tripp, and I'm a Yurok Indian from California.

I'm the chairman of the United Indian Health Board of Directors in Humboldt and Del Norte Counties. I'm a member of a 22 member board for the health clinic there. On my left is Jerry Slone, our executive director. I submitted my testimony, and I'd just like to talk a little bit about the update of the health status and eligibility of California Indians, which was a study mandated by the Indian Health Care Improvement Act. The target population for California is 88,000. The aboriginal number of Indians is 52,000, and the out-of-state number is 35,000.

The total number of users that we have registered through patient registration at the rural clinics is 45,171, the actual aboriginal users are 27,102, and the out of state are 18,068.

Jerry?

Mr. SIMONE. Yes. My name is Jerome Simone. I'm the director for the United Indian Health Services. Maria is my boss, and when she tells me to speak, I speak.

Mr. DICKS. Good.

Mr. SIMONE. The state that she's referring to as a result of the Indian Health Care Improvement Act called for a data collection on the status of California Indians. We're kind of typical. If you can't give us money, study us.

We have argued for years how our level of need funded is so far lacking compared to the rest of the Nation. Every time they do study us, the studies start showing that what we always suspected was indeed reality. The figures that she gave you are testimony of this.

In addition, the study is also addressing some of the health care status of the American Indians in the State of California. Again, this is what we suspected. We are either below, or at least average to, the rest of the Indian population in the Nation. The Indian Health Service, from time to time, has alluded to the fact that our Indians are healthy in California and, therefore, we don't need the dollars.

The studies are showing that this is indeed not true. We have one of the highest infant mortality rates in the Nation compared to the rest of the American Indian population, and this also holds true for the diabetics among American Indians.

I think that the study, as it goes on, will show that these items are just tips of the iceberg. We haven't even gotten into alcohol and drug abuse, et cetera, which is becoming a major concern of our people. The amount of money that this is going to increasingly cause our clinics to utilize and tap into our already-limited resources to meet these needs is great.

Coupled with this is an interesting item that's also in the Indian Health Care Improvement Act. It called for ADP systems—automated data processing systems—to be provided to 638 tribal contractors. This would include the State of California, of which there are 21 tribal contractors. The entire State of California is delivering health care through tribal contractors.

We are typically far behind in this category as well. The Indian Health Service has identified a $2.9 million need to computerize our systems. This is necessary to provide data for the Indian Health Service and to Congress to justify, in the Indian Health Care Improvement Act, the information they are seeking. So we get caught in a catch 22. Without the funding of this $2.9 million for the ADP systems, we can't come up with the data to prove that we're exactly what we're saying we are, so we keep going around and around.

We definitely need these ADP systems. We're operating manual data collection systems. The Indian Health Service has got the computer systems for themselves, but tribal contractors are left kind of beating their own little systems into shape, and they don't coincide with the data collection methodologies of the Indian Health Service.

We would like to break this cycle. We ask that this Committee authorize the $2.9 million for California for ADP systems so we can start giving the data that will, in turn, generate the additional appropriations that are needed for our people.

As far as contract health care services, I'd just like to briefly ditto our colleagues from southern California. We're using our contract health services dollars to fund basic needs in lab costs, x-rays, without even touching the in-patient care services that we are sorely lacking. We have minimum patient facilities. We use local hospitals. We have to use the Medicaid system, or Medical in the State of California. That system is in a state of regression, not progression. It is losing dollars, and it is not paying for the cost of our people.

The rest of the Nation is enjoying in-patient services that we do not. The California Rural Indian Health Board's testimony included $3 million as a risk pool to help all tribal contractors in the State pay for these unmet needs in in-patient care that the Medicaid system or other forms of resources might not pick up. This might be one way for us to start meeting some of these in-patient care needs.

I feel like we're probably running out of time here, so I'm going to move on and hand the microphone over to Sylvia. I thank you for your time today.

Mr. DICKS. Sure.

Ms. CAPE. My name is Iilene Cape. I'm the chairman of the board of directors of the Central Valley Indian Health. I am also the tribal chairperson of the Big Sandy Rancheria, a tribal organization located in Clovis, Fresno County, California.

Our health clinic is a part of the CRIHB and we serve the tri-county of Fresno, Kings, and Madera Counties. I can't say anymore than what has already been said regarding our needs. Just a brief statement, however, regarding the illnesses we have and the

funding needed to supplement programs which are drastically underfunded.

Alcoholism and chemical drug dependency has infiltrated Indian country. Diabetes and hypertension are high on the list of illnesses that need daily supervision. We are weary, and we cry when we see our young people addicted to drugs.

There is a native talent among our youth. With encouragement and support, they could become great artists, scientists, tribal administrators, or anything they choose to be. First, we must kill the killer which is drugs.

With the removal of the higher education officer in California, it becomes more difficult for our students to receive scholarships to further their education. We urge you to support our request to improve the health of the American Indian.

Thank you.

Mr. DICKS. Good. I want to thank you for an excellent statement. The chairman is going to have to vote, so we'll recess here for a few minutes.

[Recess.]

[The prepared statements of Mr. Saulque, Mr. Crouch, and Ms. Tripp follow:]

CALIFORNIA RURAL INDIAN HEALTH BOARD, INC.

2020 Hurley Way, Suite 155, Sacramento, CA 95825 (916) 929-9761

TESTIMONY BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR
MARCH 15, 1990

My name is Joseph Saulque. I am Chairman of the Utu Utu Gwaitu Band of Paiutes of Benton Reservation, and Chairman of the California Rural Indian Health Board (CRIHB). It is a pleasure to have the opportunity to testify before you on the Indian Health Service (IHS) appropriations request for FY 1991.

I must begin by establishing the context in which the following comments are offered. The IHS is currently under-funded by five hundred million dollars ($500,000,000). This fact has recently been documented using three different methodologies and under each method a major portion of the measured shortfall accrues to California.

Before I list a number of significant improvements to the IHS request that CRIHB would like to recommend to you for funding, I would like to raise a number of policy issues which also need to be addressed in the appropriations bill. Some of these issues you have addressed in previous years but have yet to be resolved by the IHS.

In the appropriations bill for FY 88 you addressed the need for the IHS to review their established resource allocation formula known as ARAM (Area Resource Allocation Methodology) for potentially negative impacts on both large and small operating units. To date corrections have only been made for large operating units primarily through an increase in the weight given to certain activities in the workload formula. The research and corrections to fairly address the needs of small operating units have yet to be made. The reliance on the ARAM as a key component in the definition of deficiency for the distribution of the Indian Health Care Improvement Act Title II funds only increases the importance of this research and revision. Additionally it should be noted that the ARAM only considers the availability of two categories of funds, Hospitals and Clinics and Contract Health Care Funds. The effect of this in California is to mask shortfall in other budget categories including Preventive Health, Dental Health, Mental Health and Alcoholism. This penalizes California in two ways, Hospital and Clinics funds expended on these other types of services are credited as expended towards medical services and simultaneously our need in those non-medical areas is not taken into account. It should be noted that the current system is grossly unfair to all operating units that were initiated as Tribal contracts regardless of their location.

INDIAN HEALTH CARE IMPROVEMENT FUND

Even with the concerns listed above our highest priority is full funding for Title II of the Indian Health Care Improvement Act. Unfortunately the fully authorized amount of $19,000,000 will fall far short of meeting documented unmet needs. The strength

of this fund is that it targets those operating units with the most unmet needs while allowing the maximum amount of program flexibility.

M&R FUNDS FOR TRIBAL CONTRACTS

For a number of years CRIHB has testified before you about the need to force the IHS to include Tribally operated facilities in their Maintenance and Repair (M&R) and Maintenance and Improvement (M&I) programs. Your past support for this issue led to the necessary deep look studies which brought our facilities into the IHS facility data base. The Indian Health Care Improvement Act (PL 100-713 Section 711) which Congress passed in its wisdom, requires that Tribal Contractors and Tribal Contract Facilities be funded "on the same basis" as IHS directly operated programs and facilities. In order to meet the requirements of the law and the previously ignored needs of Tribal facilities we support the need for an additional $6,000,000 in IHS facility maintenance and repair funds.

TRIBAL SUPPORT COST FUNDS

As a Tribal Contractor CRIHB has long supported the need for the IHS to fully fund all costs associated with the operation of IHS programs through Self-Determination Contracts. In the past three years major improvements have been made in recognizing and funding these costs. One category of those costs; Indirect Costs, have been substantially funded. Tribal support costs, is a term that includes indirect costs and also other necessary and prudent costs including "those costs not funded by the Secretary but carried in some other portion of the Federal Government", also need to be addressed. Fully meeting these costs will overcome a major barrier to increase Tribal Contracting. For these reasons we support the IHS request for $22,000,000 in Tribal support cost funds.

CALIFORNIA AREA CHS RISK POOL

The California Area of the IHS has no IHS or Tribally operated inpatient facility. All inpatient care is provided in local hospitals. Reimbursement to those hospitals comes from three major sources. The state Medicaid program statewide pays for $7,000,000 in hospital care for Indians. Some unknown portion of these funds is for Indians residing in 37 rural counties that make up California "Indian County". IHS funded Tribal Contractors pay for approximately $4,000,000 in hospital care through the IHS Contract Health Service (CHS) mechanism. It should be noted that California only receives $1,040,000 in reoccurring CHS funding. Unfortunately a large number of services are left to be funded directly by Indian patients. And most sadly, these services in other areas of the IHS system would be provided either directly by the IHS or through their comparatively large CHS budgets.

In order to make the current CHS system work in California where 21 Tribal Contractors provide all of the available IHS funded

services, we recommend the establishment of a special $3,000,000 CHS fund to be administered as a single risk pool in California. The purpose of this fund would be to meet the costs of any eligible CHS commitment incurred by a local health project with a total annual cost over a threshold amount of $1,000. This type of secondary risk pool would be the most efficient means of expanding inpatient care capacity in California. Obviously individual commitments which exceeded the threshold amount for the IHS Catastrophic Health Care Fund would be transferred to that fund as appropriate. We hope you will give this special initiative your fullest consideration perhaps by adding this amount to the IHS CHS request.

TRIBAL MANAGEMENT SUPPORT FUNDS

There is a need to increase Tribal Management Support funds to meet the increasing level of interest in Tribal Contracting and to expand the focus of that program to include intermittent support for existing contractors who may wish to expand the scope of their activity or to improve and update their management systems. For these reasons we support the IHS request for an additional $6,000,000 in Tribal Management Support funds.

CALIFORNIA TRIBAL CONTRACTORS AUTOMATED DATA

The Indian Health Care Improvement Act (PL 100-713 Section 802 (b)(3)) directs the Secretary to provide automated data management systems and support staff to Tribal Contractors in California. The cost of this initiative has been established by the IHS at $2,900,000. To date attempts by the IHS to meet this requirement for existing resources have failed. This has resulted in the continuation of manual record systems that have long since been discarded by the rest of the IHS system. These dated systems and the increasing reliance on program funded but nonintegrated automated data management systems are reducing our ability to meet the program reporting needs of the IHS and by extension, the U.S. Congress.

INDIAN HEALTH MANPOWER

The availability of trained Indian health professionals continues to be an issue. This problem begins with the low level of academic achievement by the Indian community--a problem that has many causes. One proven means of increasing the number of trained Indian health professionals is through funding programs like INMED and the three MPH programs. A second proven but unfortunately expensive method is to provide scholarships to deserving students. We recommend that you increase funding for both of these proven methods by increasing IHS funding by $14,000,000. This level of support would allow for new manpower initiates as authorized by the Indian Health Care Improvement Act, Title I, including Tribally operated recruitment and retention projects.

QUALITY ASSURANCE INITIATIVE

In response to Congressional findings about the generally low level of management quality within the IHS this year, you have received a number of requests related to the IHS Quality Management Improvement (QMI) project. Tribal contractors are concerned and adversely impacted by the lack of professionalism, management skill and management systems within the IHS. It is our funds and our contracts, and most of all our people, who suffer the ill consequences of poor management -- so in great part we support efforts to improve the quality of IHS management. We are however, concerned that the QMI project will become just another means of justifying a bloated federal bureaucracy. We therefore encourage you to be equally mindful of the need for quality improvement in health service delivery at local operating units. We therefore urge you to fund a $2,000,000 quality assurance initiative which would foster institutionalization of quality assurance programs within all IHS operating units.

MODEL DIABETES PROGRAM

Lastly, we request that you address in a more systematic way the establishment of special model diabetes programs within all twelve areas of the IHS. This disease ranks only after alcoholism as a major cause of Indian morbidity and clinic utilization. The negative impacts of this disease are devastating to the affected individual, their family and to the health care system. Yet it has been demonstrated over and over that increased preventative health programming and improved case management reduces the onset and improves control of this disease. We therefore request that you fund a new Clinical Diabetes Initiative with $1,500,000.

In closing I would like to thank you for your attention and the years of concern and support you and this committee have given to the needs of Indian people. I sincerely believe that with sufficient support and increased cooperation between the IHS and Tribes that we can collectively overcome the identifiable barriers to improved health for Indian people.

Respectfully submitted,

Joseph C Saulque

Joseph C. Saulque
Chairman of the Board

TESTIMONY OF THE TOIYABE INDIAN
HEALTH PROJECT
HOUSE SUB-COMMITTEE ON APPROPRIATIONS
MARCH 15, 1990

Dear Honorable Chairperson:

Toiyabe Indian Health Project is the chartered Health Department for the following tribes:

- Utu Utu Gwaitu Paiute Tribe
- Big Pine Band of Paiute-Shoshone Indians
- Bishop Paiute Reservation
- Bridgeport Indian Reservation
- Antelope Valley Indian Community
- Timbisha Shoshone Tribe
- Ft. Independence Indian Reservation
- Lone Pine Band of the Owens Valley Paiute-Shoshone Indians
- Mono Lake Indian Community

BUREAU OF INDIAN AFFAIRS AND INDIAN HEALTH SERVICE

1. Block Grants to Indian Tribes

Much of the funds appropriated by Congress for Indians ends up at BIA and IHS bureaucracies. We estimate that IHS bureaucratic growth to be two to three times that of direct services over the past five years.

Funds should be blocked to tribes by general catagories bypassing central offices and regional offices. The block grants would include per capita proportions of area offices, agencies and headquarter functions, thus, reducing the need for many federal positions.

Interior block catagories:
- Tribal Operation/Agriculture/Forestry
- Housing/Road Maintenance/Social Services
- Law Enforcement/Justice

Health & Human Services catagories:
- Hospitals/Sanitation
- Outpatient Care/Preventive Health

We ask that Congress:

1) Expand the BIA experiment with ten tribes to another ten to twenty tribes.

2) Experiment with a minimum of ten tribal health programs including at least two tribal consortiums.

2. Need for California Omnibus Bill

California, despite Congressional support, continues to lack equal participation in attention and funding with the Bureau of Indian Affairs and the Indian Health Service. Some increased funding have helped but are still much too little.

- California 14% below the national norm.
- No participation in physician and dentist bonus system.
- Little or no participation in maintenance and repair funds, equipment replacement funds.
- BIA social services.
- Little Indian Child Welfare funds.
- Scant higher education BIA program.
- Twenty-year expected delay in recognition of California tribes.
- Since the Federal Government attempted to terminate California tribal governments in the 1950's and 1960's, the Indian Health Service pulled out of California and the BIA reduced its services. This dropped the budgets of these agencies to zero and very low base. California Indians had, from this time forward, the lowest budget base of all area offices.

BUREAU OF INDIAN AFFAIRS

1. BIA allocation formulas severely discriminate against California Indians, examples:

   a. Road Construction/Maintenance: In the Central California Agency the road maintenance crew has been reduced from six to three with little support staff for the 50 small tribes in the area. At the Benton Reservation alone with only 2.5 miles of road, there is only enough money to do the construction the first year, with paving the second. Over the winter months much of the preparation will be lost, which will cost more funds.

   b. Higher Education: Sacramento education area office was cut 60% for FY'90 which was by far the most severe cuts nationwide of any area or agency office. This has eliminated the education area office for California.

We ask that to protect California -

1) California have a separate line funding in the budget, and
2) that funding be restored for road and higher education to FY'87 levels. The amount of funds for road maintenance was $350,000 for Central California Agency with 50 tribal governments. The proposed funding level for the Sacramento Area Office in 1992 is $20,000. This is not sufficient to maintain the education office in California.

2. Need for BIA Agency Office on the Eastern Sierra of California

The nine tribes of the Eastern Sierra of California are isolated from the rest of the State by the Sierra Nevada Mountains, complicated by the scant resources of the BIA. We request a modest office at $250,000/year be established on the Eastern Sierra for the following functions:

- tribal operations
- realty
- agriculture
- education

INDIAN HEALTH SERVICE

1. Improved Technical Assistance for Tribal and Direct IHS Operations

The technical assistance needs of tribal programs have grown beyond the ability of the Indian Health Service to provide them. In an attempt to meet the needs IHS area office have doubled or even tripled their staff in recent years. The funds, in millions of dollars, to staff these position have severely reduced Hospital & Clinic operational funds. In California alone, over 2.5 million dollars have been taken from direct health services for these staff increases.

Instead we propose technical assistance contracts to TA firms who could draw from a more advanced technical background to provide such technical assistance. The areas of identified TA needs include:

- improvement of third-party billing systems
- flexible management information systems
- internal and external controls and production management
- training in physician recruitment and retention techniques
- provider and staff incentive system.

This model was successfully used in the past by the NHSC and has the clear advantage of being:

- more flexible to individual program needs

- much less expensive
- tribal improvement verses a colonialistic approach
- draws from huge pool of human resources
- is apolitical

2. Monies Appropriated by Congress Do Not Reach Tribal or IHS Direct Services

Although Congress has appropriated funds for direct services for Native American people, much of the funding does not make it for tribal or IHS direct health services.

a. IHS area offices have been greatly expanded in the past several years. In California alone, the administration budget is $1 million, however, without tribal consultation another $2,850,000 has been taken primarily from Hospital & Clinic funding.

b. IHS/Headquarters, prior to area office distribution, skims huge amounts for special initiates. The initiatives have been created by IHS/HQ entirely without tribal participation and apparently without IHS area office participation as well. For FY'90, $14,230,000 has been taken from direct services for these special initiatives.

Fetal Alcohol Syndrome	355,000	Alcohol
Fiscal Intermediary	2,850,000	CHS
Herms	51,000	Health Ed
National Health Board Meeting	15,000	Health Ed
High Risk OB	2,500,000	H&C
Hospital R.N. Interns	100,000	H&C
Injury Prevention	150,000	San
Institute Retention	50,000	San
Long-Term Training	194,000	Dent
	125,000	Sanitation
Manpower Conference	200,000	Ind. Manpower
OES - Seattle	500,000	H&C
NECI - Offs. Hlth. Planning	500,000	H&C
National Cntr. Hlth. Stats	45,000	H&C
R.N. - OB/ICU Training	600,000	H&C
Environmental Positions	500,000	Envir. Hlth.
Portland/Warm Springs	220,000	Tribal
N.E. Shoshone	116,000	CHS
Physician Residency	800,000	H&C
QA Initiative	75,000	H&C
	500,000	CHS
	55,000	San
	35,000	Health Ed
Radiology	100,000	H&C
Recruitment	3,014,000	H&C
Research	675,000	H&C
	37,000	Dental

FY'90 IHS/Headquarters Special Initiatives

Special Initiative		Amount	Budget
Cancer Institute		600,000	Hospital/Clinic
PL93-638 Reps		200,000	H&C
American Red Cross Contract		88,000	H&C
ADP Security		25,000	H&C
Center for Excellence		100,000	H&C
Contract Health Care Manual		75,000	CHS
BIA/IHS Child Abuse		75,000	Mental Health
Clinical Support Center/Phoenix		700,000	H&C
CPO - Pharmacy		10,000	H&C
Continuing Ed -	Dental	415,000	Dental
	Physicians	850,000	H&C
	R.N.	700,000	H&C
	PHN	100,000	H&C
Co-Step Training -	Physician	100,000	H&C
	Dentists	5,000	Dental
	Sanitarians	175,000	San
	R.N.	250,000	H&C
Dental -	Retention	64,000	Dental
	Residency Training	22,600	Dental
	Equipment Replacement	695,500	Dental
	Special Contract Trvl.	25,000	Dental
EMS		35,000	H&C
Expense Analysis		90,000	H&C
Evaluation		1,210,000	H&C
RPMS		2,200,000	H&C
		37,000	Dental
Services/Clinical		260,000	H&C
TOTAL SPECIAL INITIATIVES:		$14,230,000	

These funds have been taken above and beyond IHS salaries from funds and meant for direct services. The decisions were made without tribal participation and in most cases without IHS area office participation as well.

We ask that Congress:

1) Conduct an investigation of the unprecedented bureaucratic growth of IHS/HQ and IHS/Area Offices, what authority does the IHS have, especially, in light of PL93-638 (the Indian Self-Determination Act) at the devastating expense to tribal and IHS direct care services.

2) That Congress mandate, in the interim, that tribes as a prerequisite, participate in all decisions on special initiatives or increases in IHS/HQ or IHS/Area Offices.

3. Tribal Physicians and Dentists Are Not Being Allowed to Participate in Retention Bonus Program

Toiyabe Indian Health Project, under PL93-638, has been seeking for over one year to obtain a retention bonus for a family practice physician. Every effort has been stoned-walled or delayed to death. Only recently have California tribes been made aware of retention bonus funds for dentists, but in the same breath, told no funds are available.

We request that Congress:

1) Mandate the IHS detailed budget be split and identified from headquarters to area offices to direct service those funds for IHS and those funds for tribes and tribal governments.

The Indian Health Service, in refusing to allow tribal participation in this program, are in direct contradiction to PL93-638.

4. Opposition to IHS Proposed Technical Assistance Center

The IHS has proposed an IHS national technical center, staffed by current IHS employees to provide, on demand, TA to tribal and IHS managed programs. Unfortunately, most tribes in the U.S. believe the TA they currently needs does not exist within the IHS system. What we propose instead are TA contracts to consultants and consultant firms to provide such TA.

This model would be more effective and much less effective. Area office staff could be reduced by 30 to 75%.

We ask that Congress mandate such a system to be paid by a 30% reduction in force at IHS Area Offices.

5. Support for OMB Split of IHS Budget Between Tribal and Federally Administered Health Programs

In 1988 and 1987 we testified against IHS Headquarters and Area Offices from using Hospital & Clinic funds meant for direct tribal health services to expand their staff. Last year OMB proposed a split budget between tribally and federally administered programs to provide accountability that funds were spent as Congress intended. The IHS California Area Office alone has $2,049,900 of Hospital & Clinic funds which are used to create a large, unnecessary staff. Last years' figure was $1,497,100 or an increase of $552,800 equalling a 36% increase.

We support the OMB split budget concept in hopes that such practices can be eliminated.

UNITED INDIAN HEALTH SERVICES, INC.

TSURAI HEALTH CENTER

P.O. Box 420, Trinidad, CA 95570-0420 (707) 677-3693

TESTIMONY BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR
MARCH 15, 1990

Mr. Chairperson and members of the committee, my name is Maria Tripp. I am the chairperson of the United Indian Health Services,(UIHS) and a Yurok Indian. UIHS is a tribal contractor operating to serve the American Indian population of Humboldt and Del Norte Counties of California since 1970. We presently provide direct and contract Health Care Services for nearly 6,000 American Indians coming from primarily the Yurok, Tolowa, Weott, Karuk, as well as some from the Hupa and other Tribes in our area. There are eight Rancherias including Smith River, Elk Valley, Resighini, Big Lagoon, Trinidad, Blue Lake, Rohnerville, and Table Bluff. We are a member program of the California Rural Indian Health Board.

On behalf of those we serve and our Clinic I would like to thank you for the opportunity to come before you today to present our concerns as well as for your past assistance. With the help of this committee, Indian Health, not only in California but the Nation as well, has made tremendous gains.

Before the specific issues were discussed, I would like to make some general comments about the State of our Clinic in context with Health Care Services nationwide. As you are well aware there is a crisis in this Nation's Health Care system stemming from a variety of problems, rising cost, some of it from improved technology as well as inflation, lack of insurance for a growing number of individials, Declining alternatives, and increasing demands for services. In addition our rural hospitals continue to struggle to keep their doors open, many do not. Our Tribal Clinic must operate in this world and is not immune to these issues, particularly when faced with our own declining budgets when adjusted for inflation, more expensive technologies, and skyrocketing demand and participation even when applying stricter registration requirements to screen for eligible American Indians. California is still far behind the rest of the Nation with a level of need funded at only 53% compared to the 70% national average.

ALLOCATION OF IHS FUNDS

The Area Resource Allocation Methodology (ARAM) still does not address disparities for smaller Tribal programs as is the majority of California programs. In addition, in the distribution of these funds, only Hospital/Clinic and Contract Health Care dollars are measured which hides our desperate need in other line items,such as Mental Health Funds for which we only receive $10,000 which means $1.60 for each of our 6,000 registered patients. This has the additional impact of forcing us to utilize Hospital/Clinic funds for this as well as other purposes which are already experiencing drastic shortfall.

INDIAN HEALTH CARE IMPROVEMENT FUND

We are asking for, at a minimum, full funding of the authorized amount of 19 million dollars for Title II of this Act. Our major interest in this regard is that this source does channel funds to those programs with the lowest levels of unmet need while permitting local decision making as to their utilization.

MAINTENENCE AND REPAIR FUNDS

This has been an issue in the forefront of our testimony and petitions to the IHS for a number of years. As a Tribal Clinic which has had to build and maintain it's own facility primarily utilizing direct care funds for this purpose. Even after Congress passed PL 100-713, the Indian Health Care Improvement Act, which mandates funding on an equal basis for the Tribal facilities as those operated by the IHS, and even after the performance of the "Deep Look Study" in this regard to establish need, we are not receiving the anticipated support. We therefore support the need for an additional $6,000,000 in Maintenance and Repair Funding.

TRIBAL SUPPORT COST FUNDS

Another area that we have given testimony over the years is the importance of the IHS funding the total actual cost of operating a Health Care program. These are costs that the the Federal Government itself experiences in operation of their own programs but are not found in the IHS Budget and are therefore not transferred to Tribal Contractors who in turn must utilize direct care dollars which further dilutes our base. We therefore support the IHS request of $22,600,000 for Tribal Support Cost Funding.

CONTRACT HEALTH SERVICES AND INPATIENT CARE

We only receive $1.65 million for Contract Health Services in California which leaves a large number of services to be funded by Indian Patients particularly in-patient services. In California there are no IHS facilities which means that inpatient services is only partially provided for by the State's Medicaid program. One solution to this problem might be the establishment of a special fund for California to establish a risk pool to assist the Tribal programs to meet the costs of eligible contract health care recipients whose cost exceed $1,000 but falls below the IHS Catastrophic Health Care Fund. We support a minimum allocation of $3 million for this purpose and ask that his request be given serious consideration.

AUTOMATED DATA PROCESSING

Aside from our own personal initiative to incorporate limited ADP systems into our program we have been forced to continue to utilize manual reporting and scheduling systems long since abandoned by IHS facilities. Because of this we struggle to meet our own program internal data management needs and in turn those of the IHS and Congress. The Indian Health Care Improvement Act mandated that Tribal contractors be provided ADP systems with support staff. We support the addition of $2.9 million identified by the IHS needed for this purpose.

TRIBAL MANAGEMENT SUPPORT

In order to successfully realize Indian Self Determination and give full assistance to those tribes that wish to successfully contract for Federal programs we support the IHS request of $6 million for this purpose.

INDIAN HEALTH MANPOWER

There continues to be a shortage of trained Indian health professionals. Those few that currently are more than likely pulled from clinical services to work in an administrative or policy making function. Two major groups of programs which address this need consists of first the existing INMED and the three California MPH programs and the second most important Indian scholarships for Indian Students. Without these two programs, the goal of Trained Indians in the Health Careers cannot be realized. We support the proposed increase by $14,000,000 to meet the mandate of the Indian Health Care Improvement Act.

QUALITY ASSURANCE

The Quality Assurance Initiative is a response to improve the overall quality of care and management of the IHS programs through it's Quality Management Improvement Project (QMI). It has been demonstrated, particularly in the private sector, that putting resources into this area results in reduced costs in the future through increased program efficiency and effectiveness. Funds are needed at the clinical level where the most impact can be felt. We support the funding of a Quality Assurance Initiative for $2 million for this purpose.

DIABETES

Second only to Alcoholism, Diabetes is a major cause of clinic utilization and Indian morbidity. The cost to the Indian Family and the Indian Health Services Clinics including Tribal Programs is growing at an astounding rate. It has been demonstrated repeatedly that programs in prevention and improved case management has a major impact on the course of this disease. Again special funds allocated for this purpose have the long term effect of reducing clinical costs. We therefore support funding in the amount of $1.5 million for a Model Diabetic Program.

Again, we would like to thank the Committee for their past support and continued goal of improving the overall health status of all Indians everywhere, a goal we share with you. We believe that by working together as partners congress, the Indian Health Service, and the Tribal Contractors, we can always move forward in our desire to achieve this goal.

Respectfully submitted:

Maria Tripp

Maria Tripp
Chairperson,
United Indian Health Services, Inc.

MT/ec

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

MARSHALL PLUMMER, TRIBAL COUNCILMAN, NAVAJO NATION
ROGER BOYD

Mr. DICKS. Okay. Navajo Nation? Welcome.

Mr. PLUMMER. Thank you, Mr. Chairman.

Mr. DICKS. We'll put your entire statement in the record, and you have five minutes to summarize.

Mr. PLUMMER. Thank you very much.

I'd like to introduce Roger Boyd, who is representing our Washington office.

Mr. Chairman, I'm councilman Marshall Plummer of the Navajo Tribal Council, chairman of the Economic Development Committee. I'm representing chairman Haskie of the Navajo Nation.

We appreciate having the opportunity to present our views on the President's fiscal year 1991 budget for Indian programs and the prepared statement, of course, has been given to your staff. I will summarize my remarks at this time.

Over the next few weeks, we will be submitting additional information to you and your staff on priority budget items for the Navajo Nation. We may also submit additional statements for the record in the areas of education programs for the Bureau of Indian Affairs, the rehabilitation trust fund, and the Indian Health Service in the Department of Health and Human Services.

We appreciate the opportunities your Subcommittee has given us to work with you, and we appreciate your leadership and support for Indian programs.

It is unfortunate that this Administration and the previous Administration do not share your commitment. In fact, the budget for Indian programs has been going down relative to spending in the overall programs when you look at cost of dollars. These facts have been confirmed by a recent Congressional Research Service study that was prepared through the Senate Select Committee on Indian Affairs. We have just now shared that with your staff.

They recommend, even as a general figure, a billion dollars over what currently is funded to these programs. Many programs have been overlooked by the Administration, but we hope that Congress will see to it that it will not be the case this year. The so-called peace dividend, resulting from shifting priorities, should be fairly distributed and could be used to help Indian programs to catch up with spending increases in budget areas such as education, economic development, housing, and health.

In the area of education, we would like to see a number of important programs strengthened to support higher education scholarships. We also believe that forward funding for BIA-funded schools would be one of the most important things this subcommittee could do to help BIA-funded schools. Forward funding would enable the funding cycle to be changed from October to September, to July through June, and would be especially helpful in planning for

scholarships and the Johnson-O'Malley education assistance program.

We oppose BIA's proposed decrease of $500,000 for substance abuse counselors. In the area of natural resources development, we will be requesting an additional $100,000 for the Navajo heritage program, which conducts necessary evaluations to protect threatened or endangered species.

In the area of irrigation construction, we must bring to your attention, again, the Administration's decision not to request any funding for the Navajo Indian irrigation project. This is despite the fact that the project, along with the Navajo Agricultural Products Industry, is one of the most important and viable economic development ventures for the Navajo Nation, and it is a profitable one. The preliminary figures show for the last two years a profit, for your information.

The U.S. Government has a moral and legal obligation to complete NIIP. This project is only half finished and is 15 years behind schedule. We will be seeking funding for NIIP for fiscal year 1991, and we would especially appreciate the Subcommittee's assistance in directing the Administration to reestablish NIIP as part of the President's budget as it affects other areas of needs such as health and education.

In the area of law enforcement, the Navajo Nation has a growing burden of responsibility to provide better police protection services to our people. With a land base of about 25,000 square miles and a population of about 200,000 people, we are not able to provide adequate police protection with current resources. Therefore, we will be requesting funding for 50 additional law enforcement officers.

We also take exception to the proposed cuts in the housing improvement program. The Navajo Nation alone is in need of almost 20,000 housing units. With that level of demand, we do not support this proposed cut.

In the area of transportation, the Administration proposes to use a $7.2 million Federal highway trust fund allocation for the Navajo Nation for construction of roads in the new lands, and we strongly oppose this decision. As you can imagine, we have carefully planned to commit those funds for badly-needed projects in fiscal year 1991. We recognize the need to build an infrastructure on the new lands, but we request that any additional funds for road construction on the new lands be made available through the relocation commission as a new and separate appropriation.

Mr. DICKS. You're down to about your last 30 seconds, sir, so if you want to summarize or touch on anything else.

Mr. PLUMMER. I think a study prepared at the request of BIA points out that the basic relative needs of the Nation's road construction approaches about one-third of the Federal highway trust fund allocation. Unfortunately, these recommendations have not been followed.

I would like to conclude that in the area of health we will be requesting $8.7 million for the Tohatchi Clinic, of which we would like the Committee's support.

We are also concerned that the budget does not include any funding for the Navajo rehabilitation trust fund. Although the BIA has submitted its conceptual framework, the Navajo Nation met its

BEST AVAILABLE COPY

statutory deadline set by the Subcommittee for reports on appropriations in fiscal year 1990. We will be submitting to your Committee in the next few weeks a detailed request for trust fund monies for fiscal year 1991, and we would hope that we will not be penalized in receiving funding for the trust fund because of delays by the Interior Department.

Thank you.

Mr. DICKS. Good. Thank you for an excellent statement. We appreciate your being here to testify.

[The prepared statement of Mr. Plummer follows:]

THE NAVAJO NATION

LEONARD HASKIE
INTERIM CHAIRMAN
THE NAVAJO TRIBAL COUNCIL

IRVING BILLY
INTERIM VICE CHAIRMAN
THE NAVAJO TRIBAL COUNCIL

STATEMENT OF THE NAVAJO NATION
BY COUNCILMAN MARSHALL PLUMMER
BEFORE THE
SUBCOMMITTEE ON INTERIOR
COMMITTEE ON APPROPRIATIONS
FISCAL YEAR 1991 APPROPRIATIONS
MARCH 15, 1990

Mr. Chairman, and Members of the Subcommittee, I am Councilman Marshall Plummer, of the Navajo Tribal Council, and Chairman of the Economic Development Committee. Today, on behalf of the Navajo Nation, I am representing Interim Chairman Leonard Haskie. We appreciate the opportunity to present our views on the President's Fiscal Year 1991 budget, and to make recommendations to you as you continue your work within the appropriations process for FY 91.

The Navajo Nation deeply appreciates the opportunities we have had to work with this Subcommittee, and other committees of the Congress concerned with Indian programs, during these difficult times of scarce budget resources. It is unfortunate that this Administration, and the preceding Administration, have not had the understanding, and taken the leadership on behalf of Native Americans that the Congress has. You have stepped in time after time where the Administration has failed to recognize our needs.

With your help, Indian programs will receive a fair share of the so-called "peace dividend". The benefits of the wonderful developments in world peace over the past year, which will impact on budgetary priorities, can, and should be, directed toward improving the quality of life for some of our citizens.

Indian programs have often been overlooked by the Administration in the past. As you well know, spending for Indian programs has not kept pace with spending in those same areas in the overall budget, such as education, economic development, housing, and health. In fact, the budget for

Indian programs has been going down relative to spending in the overall programs when you look at constant dollars. These facts have been confirmed by the recent Congressional Research Service study that was presented to the Senate Select Committee on Indian Affairs. I am sure your Subcommittee is familiar with the study, and we hope it will be helpful to the Budget Committees, and to your Subcommittee, in your planning for Fiscal Year 1991 appropriations.

In looking at the President's request for FY 91, we are struck by many of the same omissions and shortfalls that other Congressional committees, which authorize those programs, have noted.

Education: The Administration proposes an increase of about $30 million from the adjusted appropriation level for FY 90. Practically all of the increase is for school operations, however, with serious cutbacks in the Johnson-O'Malley Education Assistance Program and continuing education.

Despite the increase in school operations, several programs need additional funding. In this regard, one of our highest priorities is higher education, and we will be requesting an increase in scholarships. This need far outweighs our ability to meet the thousands of annual Navajo applicants. Increases are also needed in the transportation account, education, personnel funding, and substance abuse counselors, as well as the weighted student unit formula. The Johnson-O'Malley Education Assistance Program and continuing education are important to the Navajo Nation, and deserve to be increased from the FY 90 levels, not decreased.

The Navajo Community College (NCC) has been given high marks for its excellence in academic programs and personnel. The shortage of available resources has severely handicapped NCC's ability to remain a viable institution. We will be seeking additional funding for NCC.

One of the most important things the Subcommittee could do in the area of education would be to support "forward-funding" for BIA-funded schools, to enable the funding cycle to be changed from October-September to July-June. The change would be more compatible with the academic year, and allow schools to plan ahead for hiring, as well as for equipment. Forward funding would be especially helpful in planning for scholarships, and for the Johnson-O'Malley Education Assistance Program. We highly recommend that BIA consider establishing evaluation standards for assessing the performance of children from diverse Native American cultures.

Tribal Services: We recommend that all programs funded in FY 90 be restored, and that significant increases be allocated to the areas of law enforcement, and adult vocational training, in particular. We concur with the recommendations of the House Committee on Interior, and the Senate Select Committee on Indian Affairs, for significant increases in these programs.

The Navajo Nation, which has a land base of about 25,000 square miles, and a population of about 200,000, has a growing burden and responsibility to provide better police protection services to our people. With increased drug trafficking and other problems, we are not able to provide adequate protection with our current resources. Therefore, we will be requesting funding for fifty additional law enforcement officers in FY 91.

Navajo-Hopi Settlement Program: Funds are restored for badly needed soil and range management studies in FY 91. We will be requesting that the funds be used to contract with the Soil Conservation Service, to conduct these studies, and that BIA contract immediately for the aerial photography, which is needed before the studies can be initiated.

Economic Development: The economic development portion of BIA's budget is also in great need of more support. The Indian Business Development Grant Program, in particular, has been worthwhile in stimulating needed business development. It should be increased by at least $2 million, as recommended by the Interior Committee.

Natural Resources Development: Is proposed to suffer a net decrease from the FY 90 appropriated level. We support increases in the areas of agriculture, forestry, water resources, wildlife and parks, and minerals and mining.

We note that the Administration has proposed funding for the Navajo Heritage Program at the same level as that enacted in FY 90. We will be requesting an additional $100,000 for the Program, for FY 91, to bring it up to a fully operational level. The Program performs necessary evaluations to protect endangered, or threatened, animal and plant species, which are often required before projects and facilities can move forward.

Additional funding above the Administration's FY 91 request is needed for the environmental quality and Indian rights protection portions of BIA's Trust Responsibilities budget, as well as Tribe agency operations, and facilities management.

Construction: In the area of irrigation construction, we must bring to your attention, once again, the Administration's decision not to request any funding for the Navajo Indian Irrigation Project (NIIP). Over the years, NIIP, along with the Navajo Agriculture Products Industry (NAPI), have proven to be one of the most important and viable economic development ventures for the Navajo Nation. As an example, NAPI earned a profit of over $5 million last year. Despite the public statements by Department of Interior officials, including former Secretary Hodel, acknowledging the U.S. Government's legal and moral obligation to complete NIIP, NIIP is only about half finished, and is 15 years behind schedule. We believe $27 million will be necessary in FY 91 to adequately continue the project.

Housing: We take great exception to the proposed cuts in the Housing Improvement Program, and disagree with the Administration's objection to allowing the use of Housing Improvement Program money for new construction. The Navajo Nation alone is in need of almost 20,000 housing units. With that level of demand, we cannot suffer this proposed funding cut. We support a significant increase in the Housing Improvement Program over the FY 90 level.

Road Construction: The Administration proposes to use $7.2 million of the Federal Highway Trust Fund allocation for the Navajo Nation for construction of roads in the New Lands. We call to your attention a study prepared at the request of BIA, Division of Transportation, to determine the fair and equitable distribution of funds for road construction in 12 BIA areas, and the Indian reservation road systems within those areas. The study responds to a congressional directive specifying that highway trust funds used on Indian Reservation Roads are to be allocated on the basis of relative needs of the various reservations. The study points out that on the basis of relative need, by any measure used in the study, the needs of the Navajo Nation were greatest, compared with all other Tribes, and approach one-third of the overall Federal Highway Trust Fund allocation for Indian Tribes. Unfortunately, to date, the recommendations of the study have not been implemented.

As you can imagine, we have planned carefully to commit those funds to badly needed projects in FY 91. We request that any additional funds for road construction on the New Lands be made available to the Relocation Commission as a new and separate appropriation. The Interior Committee has stated its view that the needs of the Navajo Tribe should not be prejudiced by the results of the relocation of Navajo families from the Hopi Partition Lands.

Navajo-Hopi Rehabilitation Trust Fund: We are also concerned and disappointed that the FY 91 budget does not include any funding for the Navajo-Hopi Rehabilitation Trust Fund (NRTF).

The NRTF is authorized to expend $10 million annually through FY 95. As you know, this money will be repaid by the Tribe from Paragon Resource Ranch revenues. The Navajo Nation has prepared a detailed conceptual framework for expenditures from the NRTF. This framework, entitled the Western Area Regional Plan, has been submitted in draft, and as a final product to key Members of Congress and Interior Department staff. In addition, the Tribe has offered its assistance to Interior Department staff to complete the conceptual plan.

Monies appropriated to the NRTF in FY 90 have been identified by the Navajo-Hopi Development Office to match, or supplement, Relocation Commission, IHS, and BIA programs. As a result, the FY 90 $800,000 appropriation will multiply into $1.7 million in facilities and services for relocation impacted communities.

We anticipate submitting to your Subcommittee in the next few weeks a more detailed request for Trust Fund monies for FY 91. As we previously stated, we have been working with the Department of Interior on this fund. However, we view these funds as Navajo trust fund monies that will be repaid, and therefore, we believe we should determine the priorities for NTRF expenditures. Also, we believe these funds should be treated separate from other Navajo programs. The Navajo Nation has met the Subcommittee's statutory deadline for its report, and we do not believe that funding for NRTF should be delayed because of delays in the completion by the Interior Department of the conceptual framework.

Indian Health Service: In the area of health care, although the Administration proposes an overall increase, there are several areas where there must be more emphasis: mental health programs, health facilities, and alcohol and substance abuse programs.

More resources are needed in the area of mental health care. According to a recent report from the Navajo Area IHS office, mental health is the sixth leading cause of hospitalization and ambulatory care among the Navajo people. Yet there is only one hospital in our region, Gallup Indian Medical Center, which has only 20 beds for psychiatric in-patient care.

In the area of health facilities, we will be requesting construction funding for the Tohatchi Health Center at Tohatchi, New Mexico. There is a pressing need to relieve the increasing burden of outpatient care at the Gallup Indian Medical Center. The current health center provides minimal ambulatory care, dental services, and community health programs.

Alcohol and substance abuse is another major issue, especially in terms of facilities and development of professional counseling staff. Currently, there is not sufficient funding to draw competent and highly trained counseling staff. Additional funding is needed for treatment facilities as well. At the present time, there is only one 24-bed youth facility located in Shiprock, New Mexico, to serve the entire reservation. There are no facilities for adults on the reservation. The long distances that families must travel has lessened the participation of families in the rehabilitation programs.

In conclusion, the Navajo Nation wishes to thank Chairman Yates, and the Subcommittee Members, for your leadership and support of Indian programs. We have highlighted a few preliminary concerns with the Administration's FY 91 budget for Indian programs today, but there are other areas and priorities which we will be talking with you and your staff about in the next few weeks. Mr. Chairman, thank you for giving us the opportunity to testify today, and I would be pleased to answer any questions that you or the Subcommittee may have.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

DALE RISLING, CHAIRMAN, HOOPA VALLEY BUSINESS COUNCIL
DANNY JORDAN, TRIBAL LEGISLATIVE AND ADMINISTRATIVE ASSISTANT

Mr. DICKS. Hoopa Valley Business Council, Dale Risling, chairman. Welcome.

Mr. RISLING. Thank you. Thank you for this opportunity to speak to you today. I'd like to thank the staff and the committee for making the self-governance project a reality.

My name is Dale Risling. I am the chairman of the Hoopa Valley Business Council of the Hoopa Valley Tribe in California. I have with me Danny Jordan, who is the tribal legislative and administrative assistant.

During the short time period I have I will attempt to highlight the written testimony I have provided your Subcommittee.

Mr. DICKS. We'll put all of the statement in the record, and you may proceed.

Mr. RISLING. Okay. We are one of the 10 original self-governance tribes and would like to share some of the experiences we have had during the first two years of planning and preparing for assumption and orderly transfer of Federally-controlled programs to our tribe.

First, we have reviewed our tribal operations and identified weaknesses and made appropriate adjustments through program reorganization, budget laws, legislative procedures, and we are in the process of amending our constitution.

Unfortunately, we have encountered great obstacles and difficulties from the BIA in obtaining program funding and allocation information and support critical to our planning and preparing for reasonable and responsible self-governance compacts and negotiations with the Government.

Here are some examples of serious manipulations to our current base level of funding: withdrawal of all of the facilities maintenance funds from our agency budget and removal of surveying funds from our realty management contract. They have not done anything to protect our rights to the Trinity River. They have reduced our tribal forestry budget by 50 percent over the past five years. They provide no funding for NEPA requirements, protection against illegal trespass, and game management under the forestry budget. We receive no funds for a tribal court except for $15,000 from the agency's IPS base. Funds for our tribal education are 50 percent of its need.

In 1988, when the tribe sent a letter of intent to contract BIA programs under Public Law 93-638, BIA personnel transferred equipment and allowed equipment to deteriorate due to lack of maintenance and care. They ransacked facilities destined to be transferred to the tribe by removing stoves, refrigerators, heaters, coolers, and hot water tanks from 24 dwellings, and equipment

from other facilities. As a result, the tribe has estimated a renovation replacement cost of about $261,000.

Each of the problems we have cited erodes the base level funding to the point that it may be impossible for the U.S. to even minimally carry out its trust obligation and makes mandatory tribal supplemental funds to fill these shortfalls and deficiencies which the tribe cannot afford.

So far, the BIA has created an atmosphere of shortchanging and discouraging the self-governance project which makes us wonder if we should continue to move forward with it. It is not supposed to be a project to make tribes suffer.

We do see a tremendous opportunity under the self-governance project for tribes, and funding should be appropriated for educating all tribes as to the benefits. If our project is to be put through a true and fair test, it must receive sufficient funding. The $9 out of $10 appropriated to Indian tribes that remains within the Federal Government must be corrected. The self-governance project is a vehicle that can accomplish this through creative and innovative methods.

With your permission, we will submit our self-government proposal with detailed budgets and implementation plans to your Subcommittee after we discuss and agree upon a plan with the Secretary of Interior which has been proposed to begin the 1st of April.

Mr. DICKS. We would like to see that.

[Material was not supplied to the Subcommittee at the time of printing.]

Mr. RISLING. Without such discussions with the Government, we can only assume that our proposed self-government budget proposal is at a reasonable and proper level.

One other item—we'd like to go on record supporting the BIA reprogramming request to the Subcommittee for implementation funding for the landmark Hoopa-Yurok Settlement Act. Because of funding difficulties, the settlement role which was mandated by Congress to be completed on September 9, 1989, is only half done and is at a virtual standstill.

Our only concern is that the BIA request to program such settlement act funds for this purpose does not require them to repay the funds. We request mandatory repayment of these borrowed funds by the BIA.

We'd like to thank you for this opportunity.

Mr. DICKS. Good. Thank you very much.

[The prepared statement of Mr. Risling follows:]

TESTIMONY OF DALE RISLING, CHAIRMAN
HOOPA VALLEY TRIBE OF CALIFORNIA
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR AND RELATED AGENCIES
MARCH 15, 1990

Good morning, Mr. Chairman. My name is Dale Risling. I am the Chairman of the Hoopa Valley Business Council, the Tribal Government for the Hoopa Valley Tribe of California. I want to express my Tribe's gratitude to you and your staff, Chairman Yates, for your assistance in making the Tribal Self-Governance Demonstration Project become a reality in Indian Country. I appreciate the opportunity to present testimony on some of the issues and concerns that have surfaced during the past two years in the planning process of this Demonstration Project.

Over the last two years our Tribe has conducted an active internal review of our Tribal operations and an external review of the operations and management of federal agencies. In both cases, we have identified obstacles hindering successful self-governance.

Our internal review focused on our Tribal operations and governing infrastructure. We identified areas of administrative weakness and have already instituted several new accountability measures within our governmental operations. For example, we now have Tribal internal budget laws intended to protect and preserve the constitutional rights of individuals under the Tribe's jurisdiction. We have begun the process to amend our Tribal Constitution to bring it into conformity with the demands of present-day accountability and management requirements. Under our new Tribal Budget Ordinance, the Tribe's program managers are helping to identify obstacles and develop innovative methods of solving problems. We have incorporated these new organizational improvements into our governmental structure in anticipation of assuming additional responsibilities under the Self-Governance Project and assuring an orderly transfer of federally-controlled programs to the Tribe's control.

Our external review has aimed at determining what are the current funding amounts and related levels of services of the Bureau of Indian Affairs (BIA) that are supposed to benefit our Tribe. We have encountered great difficulty in getting useful information from the BIA. We know the BIA is spending much more on management of programs related to our Tribe than the BIA has been willing to identify. The BIA has not found it possible to identify for us the number of staff positions and total expenditures which supposedly benefit our Tribe within the BIA's Sacramento Area Office, within BIA subsidiary offices such as the one in Albuquerque, or within the Central Office. In addition, we have not been able to get the BIA to describe the mechanism by which the BIA allocates funds (including all funds on or off the Indian Priority System or IPS) from the Central Office to the Area Office and from the Area Office to the Agency Office.

This utter lack of necessary BIA budget allocation information has created serious uncertainties regarding the amounts of funds that we should be discussing with you today. Mr. Chairman, we need your assistance to get the BIA to give us this critical information. Without these figures we are forced to assume that our Self-Governance budget proposals, complete with

detailed justifications, contain the proper and reasonable funding levels that are required for us to administer these same programs under the Demonstration Project.

Four Tribes from the Pacific Northwest, the Quinault Nation, Lummi Tribe, Jamestown Klallam Tribe, and the Hoopa Valley Tribe have recently agreed to work together to jointly develop and negotiate a comprehensive Self-Governance Compact. This Compact, combined with those negotiated by other Demonstration Tribes, will provide comprehensive, sound, and viable alternatives for future legislative proposals in 1993. These four Tribes sent a February 13, 1990 letter to the Interior Secretary informing him of our interest in negotiating a Self-Governance Compact. We have also requested that former U.S. Senator Daniel Evans be appointed as an independent negotiator to represent the United States in these negotiations. It is our hope that Secretary Lujan is willing to move forward to establish a mechanism that facilitates good-faith negotiations between our Tribes and his Office. We are concerned that he has yet to respond to our request. We have dedicated much time, effort and expense to developing a very serious approach to successfully implement this Demonstration Project. It is our hope that the United States will take this Project as seriously as we do.

Since the Interior Secretary has delayed meeting with us to discuss these issues, we must bring to your attention today some of the problems that we have encountered under the Self-Governance Demonstration Project. We ask you to assist us in persuading the Secretary that a reasonable base level of funding absolutely must be provided if our Self-Governance Demonstration Project is to be successful.

What follows are several examples of serious manipulations in our current base level of funding we have identified which could lead to program service deficiencies:

1. The BIA has recently withdrawn all funding for facility maintenance from our local Agency Office budget. To avoid our being forced to redirect already under-funded management funds from essential program services into facility management, the BIA should be directed to identify and allocate to our Tribe our fair share of facility management funds based upon, at an absolute minimum, previous expenditure levels.

2. The BIA has completely cut out all funds for conducting surveys from our P.L. 93-638 Realty Management Contract. In providing direct services to Hoopa in the past, the BIA has spent as much as $358,000 a year on surveying costs alone. The BIA should be directed to add surveying funds to our contract; we have no other resources available to properly manage and regulate our land program.

3. The BIA has completely ignored its trust responsibilities for protecting our Tribe's rights to Trinity River water. There is not even a BIA water resource protection office in all of California. The Interior Department's Regional Office of the Solicitor provides no Tribal legal representation on water issues because it perceives a conflict of interest. This has led to a complete absence of Tribal advocacy with State and Federal agencies on water and water-related resources in our area. It poses a very real threat to our Tribal culture and way of life as well as our protected fishing rights. Our fishery resource has suffered tremendous declines due to recent water development projects and now our Fishery Management Program must be subsidized by the Tribe's own funds.

4. BIA officials have acknowledged that the BIA has reduced by fifty percent (50%) federal funding for our Hoopa Forestry Program over the past five years due to the

BIA's IPS multi-tribal agency allocation decisions. When our Tribe took over this program under contract in 1989, we were forced to spend a major portion of our own limited funds, as well as some non-IPS moneys, to fulfill the BIA's trust responsibilities to the Tribe.

5. The BIA Forestry budget contains no funding to meet timber-related Federal requirements for wildlife management and for those arising under the National Environmental Policy Act. The BIA has completely failed to address repeated and widespread trespass on our Reservation and against our timber resources, claiming that it lacks criminal jurisdiction. But the United States as trustee has an absolute responsibility to protect our resources. We ask your assistance in instructing the BIA to allocate trust resource protection funds for law enforcement activities at Hoopa. Our Tribe loses approximately one million board feet of merchantable timber annually precisely because there are no Federal law enforcement activities on our Reservation. Moreover, the BIA has repeatedly mismanaged our forestry resource. Most recently, during the last year it ran our Forestry Department, the BIA could not even prepare the necessary annual timber sales materials in order to fully harvest our Reservation's annual allowable cut. While we have objected to the use of our Tribal funds to fulfill a federal trust obligation, in recent years increasingly we have had to do so in order to avoid a disastrous impact on our local Reservation economy and the Tribal revenue base provided by timber sales.

6. While our Tribal Court is the only one in California, it receives no Federal funds for its operations except for $15,000 allocated by the Tribe from the IPS base.

7. BIA cutbacks in fiscal year 1989 have resulted in our Tribe's Education Programs being funded at fifty percent (50%) of our minimum need, thus denying during this school year twenty-one of our students the adequate funding necessary to pursue higher education, and denying nineteen from getting any assistance at all. Our Tribe has already received twice the number of student aid applications for next year.

8. In 1988, shortly after the Agency Office learned of the Tribe's intention to take over the operation of BIA programs, BIA personnel transferred away most of the useable equipment from BIA programs and stopped maintaining the rest of it, thereby allowing it to be "lost" or to fall apart. BIA personnel even ransacked Federal buildings destined to be transferred to the Tribe's control, removing basic equipment such as stoves and refrigerators. This resulted in an estimated $261,000 in unnecessary renovation costs. As cited above, such maintenance costs now must be taken out of under-funded program service budgets since the BIA has taken away our maintenance funding.

Each of the problems we have cited erodes the base level funding for programs to the point that we fear it may be impossible for the United States to even minimally fulfill its trust obligations to our Tribe. We believe that these budget reductions are not the primary result of congressional reductions, but rather are the result of BIA Agency and Area Office decisions, including a complete break-down in the Indian Priority System budget process.

We are very concerned that this demonstrated pattern of BIA short-changing our Tribe on funding may discourage us from assuming management responsibilities for programs and resources which have been bled to near-death. The severe funding shortages are so obvious we wonder whether we should continue forward with the Self-Governance Project, without additional appropriations. If our Project is to be put to a true and fair test of its ability to create new

directions for Tribal and Federal Indian policy, it must be given sufficient funds so that it has a reasonable chance to succeed.

We do continue to see tremendous benefits for Tribes in the Self-Governance Demonstration Project. Recent official reports indicate that nine of every ten dollars appropriated by Congress for the benefit of Indians remains within the Federal government structure and never reaches the service level on Indian Reservations. If properly funded, the Self-Governance Demonstration Project would directly correct this problem through innovative and creative management methods based on Tribal objectives, to the benefit of Indian Tribes and their individual members. But, Mr. Chairman, we need your active assistance to secure the necessary funding and to prod the BIA into active cooperation.

To be fully self-determining, a Tribe must have the flexibility to adapt federal rules and regulations in ways that better accomplish Tribal objectives. Of course, where a regulatory vacuum exists, we as responsible Tribal governments will want to establish evaluation mechanisms that ensure proper management and fiscal accountability. Some of our Tribe's most recent laws have been enacted for precisely this purpose. Of course these evaluation mechanisms should be likewise applied to Federal government program administration.

Mr. Chairman, the Self-Governance Project has provided Indian Tribes an opportunity to actually plan their own destinies based on their goals, objectives and capabilities. We believe it provides a vehicle for Tribes willing to create innovative methods for truly implementing the spirit and intent of what it means to be self-governing. With your permission, we will submit our Self-Governance proposal, along with a detailed budget justification and implementation plan, to the Subcommittee for your consideration once we have had an opportunity to discuss and agree upon an implementation plan with Secretary Lujan.

We also desire to go on record in support of the BIA's reprogramming request to be submitted to the Subcommittee for implementation funding for the landmark Hoopa Yurok Settlement Act, P.L. 100-580. In the 1989 congressional hearings, the BIA guaranteed that administrative appropriations would be available which would cover implementation work. However, the BIA has failed to follow through to provide the funds for that work. As a result, the Settlement Roll which was directed to be complete by October 9, 1989, is only one-half done; work is at a virtual standstill. Reprogramming of other Settlement funds is necessary to get through fiscal years 1990 and 1991. Our only concern with the BIA reprogramming proposal is that we fear the BIA does not intend to reimburse the Settlement Fund for the amounts to be borrowed. The BIA's budget proposal (page 69) indirectly addresses this but the requested amount is clearly not enough to do the work. Therefore, for Settlement Act implementation, we request: (1) That the Subcommittee sanction the Hoopa Tribe-Yurok Transition Team joint request for a Task Force to work with Assistant Secretary Eddie Brown to prevent a slowdown in Settlement implementation work similar to that which has occurred in the past year; and (2) That the fiscal year 1991 budget include $625,000 to reimburse the Settlement Fund for amounts currently being reprogrammed by the BIA for 1990 work, plus $475,000 for 1991 work. A more detailed justification will be submitted later in our written appendix.

Again I wish to thank you for the support you have given to us over the years, and especially for your work in creating the Self-Governance Project. I would be happy to answer any questions that you may have.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

EDWIN DAHLE, PRESIDENT, NORTHERN CHEYENNE TRIBE

Mr. DICKS. We're going to go out of order here just for a moment. I want to call on Congressman Campbell and the Northern Cheyenne Tribe at this point in time. I know that Congressman Campbell has a very tight schedule, and we want to afford him an opportunity to introduce them.

Mr. CAMPBELL. Thank you, Mr. Chairman. I appreciate it. I know you have been very busy the last few days, and I appreciate your sensitivity to all of the Indian tribes that have come before you.

Today, I appear with President Edwin Dahle, a personal friend of mine, who is the president of the Northern Cheyenne Tribe.

President Dahle is here seeking appropriations to rebuild the tribal center which was destroyed by fire on Christmas Eve.

Mr. DICKS. Sorry to hear that.

Mr. CAMPBELL. Not a very good Christmas present for the Cheyenne Tribe.

As you know, I do not represent eastern Montana, but by virtue of blood, I am Northern Cheyenne and have always taken a particular interest in the tribe, particularly in this problem.

The Northern Cheyenne reservation is very isolated and experiences basic fundamental problems with poverty, unemployment, lack of economic opportunities, and many other things. This particular building was the only non-Federal building on the reservation. It was basically the heart of reservation activities. When it burned down, all of our Federal tribal programs were all displaced, so it is extremely important that we try to get a building rebuilt.

It was built in the 1960s. It was a very old building, and it was basically uninsurable. The tribe had put something like $60,000 into upgrading the building to try to get it insured, but the thing caught on fire, and so now we have virtually lost the whole thing. As a result, the tribe has not been able to carry on its functions very well for its people.

In the essence of time, I'd like to turn it over to President Dahle if I could, and just tell you that I am particularly interested in this, and we certainly appreciate your help and sensitivity.

Mr. DICKS. We're pleased to have you here, Mr. Dahle. We will put your entire statement in the record, and Congressman Campbell's statement in the record, and we'll give you a few minutes here to summarize.

[The prepared statement of Mr. Campbell follows:]

STATEMENT BY CONGRESSMAN BEN NIGHTHORSE CAMPBELL
MARCH 15, 1990

Mr. Chairman, I'd like to thank you for the opportunity to appear before you today. I'd like to introduce President Edwin Dahle of the Northern Cheyenne Tribe. President Dahle is here today seeking appropriations to rebuild a tribal center destroyed by fire on Christmas Eve.

As you may know, I'm a member of the Northern Cheyenne Tribe so I do have a particular interest in this problem. The Northern Cheyenne reservation is isolated and experiences fundamental problems with poverty, unemployment, and a basic lack of economic opportunities. As the only non-federal building on the reservation, the tribal office was the heart of all reservation activities. When the building burnt down, the entire tribal government, federal and tribal programs were displaced. This has caused a terrible hardship for the tribe and individual tribal members.

Unfortunately, the tribal building, built in the 60s with EPA funds, had structural and safety deficiencies~and consequently was uninsurable. Last year the tribe spent $60,000 to get it in shape, but the fire occurred before the work was completed. As a result, the building, equipment, records and other material essential for the operation of tribal government and tribal programs were a total loss.

The tribe is committed to raising half of the money from loans and grants for the building, and I'm very proud of them for that. The BIA and IHS Area Directors have been very helpful and are willing to lease space in the new facility to help defray the loan repayment costs.

In spite of this commitment, the tribe needs federal support, and for the the first time in its history, is asking for a direct appropriation. It's also one of the first times they've asked for my help. Given the circumstances, I think it would be appropriate for Congress to respond.

The tribe's request has been recommended by the Interior and Insular Affairs Committee and both Secretary Lujan and Assistant Secretary Eddie Brown have assured me personally of their support. Although, this is somewhat of an unusual request, I hope the Committee will consider the mitigating circumstances and support it.

Thank you.

30-252 O—90——17

Mr. CAMPBELL. Let me perhaps say one thing. I have talked to Secretary Lujan, who supports this, and Dr. Brown, who also supports it, and I have tried to touch bases with people in the Administration, so I think we're okay on all of that.

Mr. DICKS. Glad to know that, too.

Mr. DAHLE. Thank you. I appreciate the opportunity to address the committee and to accompany Congressman Ben Nighthorse Campbell here on behalf of the tribe.

We had a devastating fire. This building—which was essentially two buildings because it held our administrative portion and also our gymnasium. We are seeking funds only to build the administrative part. We are combining the offices with IHS and with BIA. They have both, at the area level, agreed that this would be a good idea. We are going to match the funds of what is appropriated.

Mr. DICKS. Good.

Mr. DAHLE. By renting those spaces out, we can service a loan to compensate for what we can't get through direct loans and grants.

I'd like to say one thing. This building was the center of the reservation. From the time a person was born, they were honored in this building. They went to school in this building. They had their teenage dances in there, the pow wow's, their giveaways. Their business was conducted in there. When they died, their funerals were held in there. So it has affected everybody on that reservation, whether they lived on the reservation, or were a tribal member in California. We would bring the member back, and that's where we'd hold their services.

The tribe has very limited resources. If this had happened in a country, or a city, or somewhere else, they would have had the means to go out and borrow the money, or there would have been taxes. We have nothing like that. We really have to come before Congress, which we have never come before this Committee before, and ask for help. The Cheyennes really wouldn't be here unless they were in desperate shape.

Mr. DICKS. We appreciate that. We are going to work with Congressman Campbell and your own representatives, and we'll see what we can do. It's a very tough year, but if the administration will support it, I'm sure it will make a big difference.

Mr. CAMPBELL. In closing, Mr. Chairman, I might mention that I have had one meeting with Pat Williams, who does represent eastern Montana, and he is also supporting this, and so you'll probably be hearing from him.

Mr. DICKS. Good. Well, we appreciate your taking time out of your schedule to be here. We know how much you care about these programs. I look forward to working with you on this.

Mr. CAMPBELL. Thank you, Mr. Chairman.

Mr. DAHLE. Thank you.

[The prepared statement of Mr. Dahle follows:]

TESTIMONY PROVIDED BY EDWIN DAHLE, PRESIDENT
NORTHERN CHEYENNE TRIBE, INC.
BEFORE THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE
MARCH 15, 1990

INTRODUCTION

Mr. Chairman, my name is Edwin Dahle, I am President of the Northern Cheyenne Tribe in Montana and on behalf of the Tribe, thank you very much for the opportunity to testify before the Committee.

It is my pleasure to accompany Congressman Ben Nighthorse Campbell, a member of our Tribe, to request that the Committee provide assistance to the Tribe to help us ovecome the devastation caused by a recent fire which destroyed our tribal office. This is the first time in nearly 10 years, that the Northern Cheyennes have requested assistance from the Committee.

REQUEST

The Tribe is requesting an earmark from the Bureau of Indian Affairs Facilities Construction Account of $750,000 for the first of a two phase construction project. This would be matched by funds raised by the Tribe for a total of $3 million to replace the Northern Cheyenne Tribal facility. As the Committee may be aware, the Interior and Insular Affairs Committee has recommended that this funding to be provided in FY 91 in light of the emergency situation resulting from the catastrophic fire.

JUSTIFICATION

Although we are aware that BIA Construction funds are not normally utilized for construction of tribal facilities, we hope that the Committee will take into consideration the emergency situation created by the catastrophic fire which destroyed our facility. On December 14, 1989, the Northern Cheyenne Tribal office located in Lame Deer, Montana was destroyed by fire. The tribal office was the only facility on the reservation capable of housing the executive and legislative branches of government, all the tribal and "638" programs and a cultural/recreational center. As a result of the fire the Tribe lost office space and equipment for sixteen of its tribal, state and federal programs which were designed to meet the day to day needs of its members. The Tribe also lost three classrooms and the cafeteria for a component of its Head Start program due to the fire.

Due to the original inappropriate design and poor construction of the facility, the Tribe was unable to obtain insurance coverage for the facility because of structural and safety deficiencies. For example, the building did not have an adequate sprinkler system for fire suppression and the boiler type furnace had a faulty design. In the past year, the Tribe spent $60,000 on making improvements to the building, but we were not able to get coverage prior to the fire. Therefore, the building and contents were a total loss.

The Northern Cheyenne reservation does not have any alternative facilities capable of housing the programs previously located in the Tribal office. The Tribe has reestablished a temporary base of tribal operations at the senior citizens center which has displaced other tribal programs. The Bureau of Indian Affairs and the Indian Health Service have assisted the Tribe with a limited amount of funds and technical assistance which is greatly appreciated.

PLAN FOR REBUILDING A FACILITY

The tribal government does not have the wherewithall to build a new tribal facility. The original building was build with EPA funds which are no longer available. The tribal general fund budget is only $500,000 per year, which does not make it feasible for the Tribe to rebuild a facility from within its own resources or to finance a loan for the total project cost which is $3.5 million. This is based on a square footage estimate for a "stick built" facility appropriate for the Montana climate capable of housing tribal government and administration, "638", tribal and federal programs. Under our plan, the Tribe will generate about half of this amount from a combination of loans and grants. Sources for the tribal match include: FmHA Community Essential Facilities Loan, BIA loan guaranteed loan and economic grant program, the St. Labre Mission (Catholic Church) and other grant programs. Receiving a federal match from the federal government will greatly assist the Tribe in leveraging the tribal match.

In addition, the Tribe has entered into discussions with the Bureau of Indian Affairs and the Indian Health Service regarding lease of space in the proposed facility. Both agencies have agreed to lease space in the new facility, but we understand that this would be subject to the approval of the Appropriations Committees. The Tribe plans to contract for additional BIA programs in the future. The IHS is very short of space at the Lame Deer Clinic and has processed a request for additional space through the Central office, but this request has been pending for several years. The funds from BIA and IHS leases will help the Tribe repay loans acquired for construction of a new facility.

BACKGROUND AND SPECIAL COMMUNITY PROBLEMS

Northern Cheyenne Reservation experiences problems typical of many Native American communities. It is small, with an area of 445,338 acres. It is rurally isolated, located over a hundred miles from the nearest Standard Metropolitan Statistical Area of Billings, Montana. It lacks a primary economic base, with seven out of a total of ten reservation businesses owned and operated by non-Indians. It has a significantly high unemployment rate of 50% to 65%. A large proportion of the population consists of single heads of households with low levels of educational attainment and job opportunities. Consequently the Reservation has a high level of poverty among its population of about 3,200 as reflected in the local per capita income of $2,216.00.

SUMMARY

In conclusion, I would like to thank the Committee for considering our request. We realize that it is somewhat unusual, but we urge you to consider the unusual circumstances and our need.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

EDWARD K. THOMAS, PRESIDENT, TLINGIT AND HAIDA TRIBES OF ALASKA

LENNA M. AOKI

Mr. DICKS. Tlingit and Haida Tribes of Alaska, Edward Thomas? Welcome.

Mr. THOMAS. Thank you.

Mr. DICKS. I appreciate your letting us go——

Mr. THOMAS. I appreciate your taking the time to hear me. I have——

Mr. DICKS. We'll put your statement in the record, and you have five minutes to summarize.

Mr. THOMAS. I have Lenna Aoki here with me.

Mr. DICKS. Welcome.

Ms. AOKI. Thank you.

Mr. DICKS. Good.

Mr. THOMAS. Greetings from Alaska. I want to thank you not only for this time to make my testimony, but I want to thank the Committee last year for removing the restrictive language which prohibited the general assistance to Alaska. However, in presenting a proposal to the BIA, we found that they were not willing to act upon it. They seemed very much in favor of what we were talking about and said it was timely because of the lawsuit in Washington but still have not done anything on it after about four months.

I have some written testimony for the record, and I will not read it.

Mr. DICKS. We'll check on that when they come up to testify. We will ask them questions about that.

Mr. THOMAS. Thank you very much.

I have some written testimony that I will not read, but I do not want to allow that to go without stating how important the issue of subsistence is to our native people of Alaska. It is probably one of the few places in this continent that the lives of pople surround a subsistence lifestyle. Without a subsistence preference we have a very serious threat to the life of a lot of people.

The testimony points out that subsistence simply means the human consumption of natural resources such as fish, game, and plants. The Alaska State Supreme Court ruled that Federal subsistence laws, which gives priority to rural peoples, is unconstitutional to the State constitution.

Subsistence, as I mentioned, is the life blood of Alaska native people. If the State of Alaska does not get a subsistence law that is workable, then the Federal Government is required to take over the management of those resources on Federal lands. However, the Federal Government is not prepared to do so. They do not have a plan. Our proposal will not only provide resources to develop a good management plan but also states the form by which people can thoroughly discuss the situation surrounding the subsistence. Our request is for $192,000 in that regard.

Another part of our testimony is directed at the indirect costs that certain programs have and indirect caps on certain Federal programs. These caps are killing our ability to manage and contract for meaningful Federal programs in our tribal jurisdiction. This past year alone we have experienced $188,000 of shortfall in our inability to collect money for these particular programs.

We would like a special appropriation to help us mitigate out this $188,000 because this is an ongoing problem, and we are working with other agencies to try to correct that problem.

I feel that it is critical that we reinstate the 104(a) self-determination grants to our particular State because our tribes are confronted with numerous issues and do not have the capacity to even deal with the amendments of Public Law 93-638, let alone get involved in meaningful contributions to the problems that affect their people.

We cannot afford further cutbacks in health care. As a matter of fact, I think it is important that we restore health care to its previous funding levels. The Committee must include in our appropriations language restrictions of the BIA to cut back programs for the needy while they are maintaining large bureaucracies.

As a matter of fact, I would like language in the BIA appropriations that would allow tribes in southeast Alaska to take their percentage of the area office's budget and redirect those funds in the program. I think we have so many layers of administration dealing with administration within the Bureau system, and I have been involved in a demonstration program whereby we have pointed out how many of those things are really duplicative and unnecessary. We contract and provide the services on the tribal level. We do not need the extra layer of bureaucracy from the BIA level.

I think that there are many other programs that run their programs like that from the national level and do not use area offices. I think it is time we start looking at that. I think it is in line with public sentiment, and I think there is a need to reduce it.

Mr. DICKS. Do you think that is a universal feeling throughout the Nation?

Mr. THOMAS. I wouldn't say it's universal, but it's pretty predominant. I think there are a lot of people who feel they're not quite ready for that, even in my region. I think that——

Mr. DICKS. So it would be more on a case-by-case basis?

Mr. THOMAS. Right. I would like to see it done on a demonstration basis. In other words, let us try it in our region. If it doesn't work, then you certainly have the ability of turning it back around the way it is. I think it's time we start working on it.

Mr. DICKS. Good.

Mr. THOMAS. Thank you very much for your time.

Mr. DICKS. Thank you for you statement and your patience. We appreciate your being here today.

Mr. THOMAS. We have additional handouts that we'll be providing for the record.

[Material was not supplied to the Subcommittee at the time of printing.]

[The prepared statement of Mr. Thomas follows:]

CENTRAL COUNCIL
tlingit and haida indian tribes of alaska
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801

HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
TESTIMONY OF EDWARD K. THOMAS
March 15, 1990

MR. CHAIRMAN, I AM EDWARD K. THOMAS, PRESIDENT OF THE CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA ("TRIBE"). THANK YOU FOR THIS OPPORTUNITY TO TESTIFY.

TODAY I REQUEST YOUR ASSISTANCE CONCERNING TWO ISSUES WHICH THREATEN THE VERY EXISTENCE OF MY TRIBE. FIRST, I ASK THE COMMITTEE TO AID OUR EFFORTS TO PRESERVE AND PROTECT OUR SUBSISTENCE HUNTING, FISHIN AND GATHERING RIGHTS. SECOND, I SEEK COMMITTEE SUPPORT FOR ADDITIONAL FUNDING WHICH WOULD MITIGATE THE FINANCIAL BURDEN FEDERAL PROGRAM "CAPS" ON INDIRECT COSTS PLACE ON MY TRIBAL GOVERNMENT.

SUBSISTENCE HUNTING, FISHING AND GATHERING RIGHTS

FOR ALASKAN NATIVES, THE TERM "SUBSISTENCE" STANDS FOR NOTHING LESS THAN OUR TRADITIONAL WAY OF LIFE. SUBSISTENCE IS AN INTEGRAL PART OF OUR HERITAGE AS A PROUD AND UNIQUE PEOPLE. IT IS ABSOLUTELY CRITICAL TO MAINTAINING THE CULTURAL IDENTITY OF NOT ONLY TLINGIT AND HAIDA PEOPLE, BUT ALL ALASKA NATIVE PEOPLE. THE WAY THAT WE TAKE DEER, FISH, SEAWEED, HERRING EGGS, SEAL, AND OTHER SUBSISTENCE FOODS IS TAUGHT TO US BY OUR ELDERS. THIS IS THE WAY IN WHICH WE HAVE FOR CENTURIES, PRACTICED, PRESERVED, AND PASSED ON TO EACH SUCCEEDING GENERATION, OUR CULTURE AND TRADITIONS. THUS, PUTTING FOOD ON THE TABLE, ALTHOUGH IMPORTANT, IS ONLY A SMALL PART OF WHY WE VALUE OUR SUBSISTENCE RIGHTS.

AS A RESULT OF A RECENT ALASKA SUPREME COURT RULING, AND THE SUBSEQUENT CONFUSION IT HAS WROUGHT, ALASKA NATIVES NOW FACE GRAVE THREATS TO THEIR SUBSISTENCE RIGHTS. PURSUANT TO TITLE 8 OF THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT (ANILCA), THE FEDERAL GOVERNMENT DELEGATED TO THE STATE, THE RESPONSIBILITY TO MANAGE AND REGULATE SUBSISTENCE ACTIVITIES THROUGHOUT ALASKA. SINCE THE ENACTMENT OF ANILCA IN 1982, THE STATE OF ALASKA HAS PERFORMED THESE MANAGEMENT AND REGULATORY DUTIES FOR THE FEDERAL GOVERNMENT.

IN DECEMBER OF 1989, HOWEVER, THE ALASKA SUPREME COURT ISSUED A RULING IN MCDOWELL V. ALASKA, WHICH HELD THAT THE DEFINITION OF SUBSISTENCE USERS CONTAINED IN ALASKAN STATUTES VIOLATES THE STATE CONSTITUTION. THIS RULING HAS RESULTED IN MASS CONFUSION. WHILE COMPETING INTERESTS THRIVE AMID THE CHAOS, ALASKAN NATIVES HAVE LOST STATE ACKNOWLEDGEMENT AND MANAGEMENT OF SUBSISTENCE REGULATIONS THAT HAVE BEEN IN PLACE IN ALASKA FOR

TELEPHONE: 907/ 586-1432

SEVERAL YEARS. IN THE ABSENCE OF STATE SUBSISTENCE MANAGEMENT, THE RESPONSIBILITY OF SUBSISTENCE REGULATION REVERTS TO THE FEDERAL GOVERNMENT. YET, AT THE PRESENT TIME THE FEDERAL GOVERNMENT HAS NO PLAN IN PLACE TO PERFORM SUBSISTENCE MANAGEMENT. IN ADDITION, THE DEPARTMENT OF INTERIOR HAS EXPRESSED DOUBTS REGARDING THE FEASIBILITY OF PERFORMING THIS ADMINISTRATIVE FUNCTION, AND HAS EXPRESSED CONCERNS ABOUT THE POTENTIAL COSTS.

IN RESPONSE TO GROWING THREATS TO OUR SUBSISTENCE RIGHTS, THE CENTRAL COUNCIL OF THE TLINGIT AND HAIDA TRIBES HAS EXHAUSTED WHAT LIMITED FINANCIAL RESOURCES WE HAVE TO TRY AND BRING OUR PEOPLE TOGETHER ON AN INTERIM COMMISSION BASIS TO BEGIN TO DEAL WITH THE CRISIS. IN EARLY FEBRUARY WE HELD OUR FIRST MEETING AND COMMITTED OUR RESOURCES TO THE DEVELOPMENT OF A SOLUTION.

ON FEBRUARY 28, 1990, WE SUBMITTED A PROPOSAL TO THE SECRETARY OF INTERIOR, THE HONORABLE MANUEL LUJAN, TO APPROVE THE FORMATION OF AND TO PROVIDE FUNDING FOR A SOUTHEAST NATIVE SUBSISTENCE COMMISSION. (NOTE: A COMPLETE COPY OF THIS PROPOSAL HAS ALREADY BEEN PROVIDED TO THE COMMITTEE. ADDITIONAL COPIES ARE AVAILABLE UPON REQUEST.) OUR PROPOSAL RECOGNIZES THE COMPLEXITY OF THE SUBSISTENCE QUESTION AND RECOGNIZES THAT ANY VIABLE SOLUTION MUST INVOLVE THE COOPERATION AND CONCERTED EFFORTS OF FEDERAL, STATE AND ALASKA NATIVE TRIBAL GOVERNMENTS. THE PURPOSE OF THE PROPOSED COMMISSION IS TO DEVELOP A SUBSISTENCE MANAGEMENT PLAN WHICH WILL MEET STATE AND FEDERAL LAWS AND PROTECT THE TRADITIONAL PRACTICES OF NATIVE PEOPLE.

WE BELIEVE THAT THE APPROVAL OF THIS PROPOSAL, AT THE REQUESTED FUNDING LEVEL, OFFERS THE BEST AND MOST COST EFFICIENT LONG TERM SOLUTION TO THE SUBSISTENCE PROBLEMS WE FACE IN ALASKA. MOREOVER, THE NEED FOR PROMPT APPROVAL OF OUR PROPOSAL CANNOT BE OVERSTATED. IN JANUARY, THE SUPREME COURT OF ALASKA ISSUED A STAY OF ITS ORDER UNTIL JULY 1, 1990. THUS WE HAVE BUT THREE (3) SHORT MONTHS TO PUT INTO PLACE A PLAN TO DEAL WITH SUBSISTENCE MANAGEMENT. OUR CONCERN IS THAT JULY MARKS THE HEIGHT OF THE HUNTING AND GATHERING SEASONS IN MANY PARTS OF OUR STATE. IT IS THE TIME OF THE YEAR WHEN SALMON COME TO OUR STREAMS AND WHEN WE BEGIN TAKING DEER. IF ON JULY 2, 1990, WE DO NOT HAVE A PLAN TO DEAL WITH THE SUBSISTENCE QUESTION, THOUSANDS OF NATIVE FAMILIES LOCATED IN SMALL VILLAGES THROUGHOUT OUR STATE WILL BE PLACED IN JEOPARDY BECAUSE IN MANY CASES, SUBSISTENCE FOOD GATHERING DURING THE SUMMER MONTHS IS ESSENTIAL FOR WINTER SURVIVAL.

WE URGE THIS COMMITTEE TO AID OUR EFFORTS TO PROTEC[illegible]OUR SUBSISTENCE RIGHTS. WE REQUEST THAT YOU COMMUNICATE YOU[illegible] SUPPORT FOR THE ESTABLISHMENT OF THE SOUTHEAST NATIVE SUBSISTENCE

COMMISSION TO THE SECRETARY OF INTERIOR, AND ENCOURAGE HIS PROMPT APPROVAL OF OUR PROPOSAL AT THE REQUESTED FUNDING LEVEL. IF THE DEPARTMENT OF INTERIOR FAILS TO FOLLOW YOUR DIRECTION, WE ASK THAT THIS COMMITTEE APPROPRIATE $192,073 TO FINANCE ACTIVITIES OF THE PROPOSED COMMISSION IN FISCAL YEAR 1991. (SEE ATTACHMENT 1 FOR BUDGET JUSTIFICATION.) ALL THAT WE SEEK IS YOUR ASSISTANCE TO ENSURE THAT SUBSISTENCE TAKING CAN CONTINUE LAWFULLY, AND IN A MANNER CONSISTENT WITH THE TRADITIONS OF ALASKA NATIVES. WHILE THE POSITIVE VALUE OF SUBSISTENCE TO OUR LIVES AND TO OUR TRADITIONS MAY BE DIFFICULT TO QUANTIFY OR EXPRESS FULLY, THE NEGATIVE EFFECTS OF THE LOSS OF OUR SUBSISTENCE RIGHTS ARE EASY TO EXPLAIN -- IT WOULD RENDER OUR PEOPLE AND OUR CULTURE TO INEVITABLE EXTINCTION.

FEDERAL "CAPS" ON INDIRECT COSTS

THE SECOND ISSUE I WOULD LIKE TO DISCUSS TODAY INVOLVES TRIBAL SUBSIDY OF FEDERAL PROGRAMS BECAUSE OF "CAPS" ON INDIRECT COSTS. INDIRECT COSTS ARE NECESSARY EXPENSES INCURRED IN THE ADMINISTRATION OF CERTAIN FEDERAL PROGRAMS. INDIRECT COSTS ARE LIMITED TO OVERHEAD EXPENSE ITEMS THAT DIRECTLY SUPPORT PROGRAM ACTIVITIES. INDIRECT COST RATES APPLICABLE TO OUR TRIBE ARE SET BY THE INSPECTOR GENERAL FOR THE DEPARTMENT OF INTERIOR. CERTAIN FEDERAL PROGRAMS, SUCH AS HEADSTART, THE JOB TRAINING PARTNERSHIP ACT (JTPA), HUD COMMUNITY DEVELOPMENT BLOCK GRANTS, AND COMMUNITY SERVICES BLOCK GRANTS, IMPOSE LIMITS ON THE AMOUNT OF INDIRECT COSTS A RECIPIENT OF ONE OF THEIR GRANT AWARDS CAN CHARGE. THIS LIMIT IS REFERRED TO AS A "CAP". "CAPS" LIMIT THE AMOUNT OF ADMINISTRATIVE SUPPORT EXPENSES REALIZED BY GRANT RECIPIENTS. THE EFFECT OF THESE FEDERAL CAPS TO OUR TRIBE IS THAT THE COST TO OPERATE IMPORTANT PROGRAMS SUCH AS HEADSTART MAY BE GREATER THAN THE AMOUNT PAID BY THE FEDERAL GOVERNMENT. THE DIFFERENCE BETWEEN THE TWO AMOUNTS IS A CASH LOSS TO THE TRIBE. IN FISCAL YEAR 1989, OUR TRIBE WAS BURDENED WITH UNREIMBURSED INDIRECT COSTS OF $188,803. (SEE ATTACHMENT 2.) FURTHER OBJECTIVE CONFIRMATION OF OUR OUT-OF-POCKET EXPENSES IN OPERATING FEDERAL PROGRAMS MENTIONED EARLIER CAN BE FOUND IN THE YEARLY AUDIT REPORTS OF OUR ACCOUNTANTS. (NOTE: COPIES OF OUR LAST ANNUAL AUDIT COMPLETED BY ERNST AND YOUNG ARE AVAILABLE UPON REQUEST.)

THE CENTRAL COUNCIL, ITS EXECUTIVE BOARD, AND TRIBAL DELEGATES ARE COMMITTED TO THESE PROGRAMS BECAUSE WE FEEL THAT HEADSTART, JTPA, AND COMMUNITY SERVICES BLOCK GRANTS PROVIDE POSITIVE CONTRIBUTIONS TO OUR REGION, COMMUNITIES, AND INDIVIDUALS. YET, THE BURDEN OF CONTINUING TO SHOULDER MASSIVE INDIRECT COSTS POSES AN EXTREME HARDSHIP THAT UNDERMINES THE FINANCIAL VIABILITY OF OUR TRIBAL ORGANIZATION. THESE PROGRAMS WERE ORIGINALLY ESTABLISHED BY CONGRESS TO BE ADMINISTERED BY CITY AND COUNTY GOVERNMENTS. IN THE CASE OF THESE LOCAL

GOVERNMENTAL ENTITIES, FEDERAL CAPS ON INDIRECT COSTS MAY BE OFFSET BY THE RAISING OF PROPERTY OR SALES TAXES. IN THE CASE OF INDIAN TRIBES, HOWEVER, WE HAVE NO SUCH TAX BASE TO DRAW UPON. INSTEAD, WE ARE FORCED TO LIQUIDATE ASSETS IN ORDER TO PAY FOR THE SHORTFALLS. THUS, FEDERAL CAPS ON INDIRECT COSTS IMPOSE AN UNFAIR FINANCIAL RESPONSIBILITY ON TRIBAL GOVERNMENTS.

TRIBES SIMPLY DO NOT POSSESS THE SAME POTENTIAL SOURCES OF INCOME AS LOCAL GOVERNMENTS. PROGRAM REGULATIONS WHICH ARE DESIGNED TO APPLY TO LOCAL GOVERNMENTAL AUTHORITIES SHOULD NOT BE APPLIED TO TRIBES. I HAVE FORWARDED A REQUEST FOR SPECIAL APPROPRIATIONS TO PAY FOR OUR TRIBAL SUBSIDY OF FEDERAL PROGRAMS. (SEE ATTACHMENT 2.) I ASK YOUR SUPPORT OF THIS SPECIAL REQUEST. IN ADDITION, I ASK THAT YOU CAREFULLY EXAMINE FEDERAL RESTRICTIONS ON REIMBURSEMENT FOR INDIRECT COSTS ASSOCIATED WITH THE OPERATION OF FEDERAL PROGRAMS. I URGE YOU TO CONSIDER THE ELIMINATION, FOR INDIAN TRIBES, OF SUCH INDIRECT OVERHEAD "CAPS". INSTEAD, TRIBAL ORGANIZATIONS SHOULD BE PERMITTED TO FULLY RECOVER ALL INDIRECT COSTS, DETERMINED LEGITIMATE BY THE INSPECTOR GENERAL, WHICH THEY INCUR IN OPERATING FEDERAL PROGRAMS.

MR. CHAIRMAN, BOTH OF THESE ISSUES, SUBSISTENCE AND INDIRECT CAPS, PLACE TRIBAL GOVERNMENTS IN ALASKA AT SIGNIFICANT RISK. THEREFORE, THANK YOU FOR YOUR CAREFUL CONSIDERATION OF OUR REQUESTS.

ATTACHMENT I

Southeast Native Subsistence Commission
FY 91 Budget Detail

MANAGER

In Region Travel

	Air Fare
Angoon	130
Hoonah	100
Hydaburg	350
Kake	176
Ketchikan	200
Klukwan	220
Petersburg	140
Sitka	136
Wrangell	160
Yakutat	186
Total	1798

Out of Region Travel

Anchorage	384
Anchorage	384
Bethel	642
Dillingham	686
Fairbanks	454
Kodiak	682
Kotzebue	716
Nome	716
Seattle	577
Washington D.	1414
Total	6666

COMMISSION

Member	City	Air Fare	Perdiem
Austin	Hoonah	100	582
Benson	Petersburg	140	582
Borbridge	Anchorage	380	582
Cesar	Juneau	0	0
Feller	Wrangell	160	582
Garza	Sitka	136	582
George	Angoon	130	582
Hotch	Klukwan	130	582
Jacobs	Sitka	136	582
Jorgenson	Juneau	0	0
Kadake	Kake	176	582
Kitka	Sitka	136	582
LeCornu	Hydaburg	350	582
Martin	Juneau	0	0
Paddock	Tenakee	100	582
Porter	Yakutat	186	582
Roberts	Ketchikan	200	582
Skan	Klawock	350	582
Stevens	Skagway	140	582
Thomas	Ketchikan	200	582
Willard	Juneau	0	0
Williams	Ketchikan	200	582
Wilson	Haines	120	582
Worl	Juneau	0	0
Total		3479	11058

Southeast Native Subsistence Commission
FY 91 Budget Detail

Personnel				
	Subsistence Program Manager (GS 11/1)		$40,038	
	Overtime, 60 hours		$1,540	
	Secretary (GS 6/1)		$23,706	
	Overtime, 60 hours		$912	
	Fringe @ 31%		$20,520	
	Part Time Help, 100 hours		$1,316	
	Total		$87,929	
		Subtotal		$87,929
Travel/Perdiem				
	Program Manager			
	10 regional trips		$1,798	
	Perdiem 20 days @ $97		$1,940	
	10 out of region trips		$6,666	
	Perdiem 20 days @ $125		$2,500	
	Commission			
	5 regional meetings		$10,437	
	Perdiem 19 X 2 days X 3mtngs @ $97		$11,058	
	Total		$34,388	
		Subtotal		$122,317
Meeting Costs				
	Teleconference calls		$10,000	
	Meeting rooms and incidentals		$2,000	
	Total		$12,000	
		Subtotal		$134,317
Indirect				
	Indirect rate @ 30%		$40,295	
		Subtotal		$174,612
Contingency Fund of 10%			$17,461	
		Subtotal		$192,073
	Total Cost SNSC Program for First Year			$192,073

CENTRAL COUNCIL
tlingit and haida indian tribes of alaska
ANDREW P. HOPE BUILDING
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801-9983

ATTACHMENT 2

- DRAFT -

REQUEST FOR SPECIAL APPROPRIATIONS
Submitted to the

United States Senate
and
United States House of Representatives

I. INTRODUCTION

The federal government uses organizations other than itself to administer valued public programs. This is accomplished through federal grants. These federal grants use a portion of the money to provide direct services (costs) and another portion for indirect services (costs). The later, indirect costs, are limited to funding administrative support services necessary to carry the direct services.

Some federal granting agencies have limited the amount the grant recipient can receive for indirect costs, which in the case of the Central Council is below actual costs. This results in a tribal subsidy of a federal program.

This request for Special Appropriation presents this request, background discussion of the issue and is supported by related documentation.

II. REQUEST

Congress approve a $188,803 Special Appropriation for the Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA) to cover costs incurred by the tribe in the administration of FY 89 federal programs.

TEL 907/586-1432 FAX 907/586-8970

DRAFT - REQUEST FOR SPECIAL APPROPRIATIONS
Program "Caps"/Grantee Subsidy

III. BACKGROUND

This section provides key information on this issue in the following areas:

A. The Period Covered in this Request
B. Administration of Federal Programs
C. Indirect Costs
D. Federal Program "Indirect Caps"
E. Program Audit Requirements

A. The Period Covered in this Request

This request covers Fiscal Year 1989 (FY 89), the period from October 1, 1988 through September 30, 1989.

B. Administration of Federal Programs

CCTHITA is one of the largest regional contract Indian provider of federal programs in Southeast Alaska. During fiscal year 1989 annual federal programs administered by CCTHITA equaled $6,004,002 serving over 20,000 Alaska Natives and regional non-Natives.

The service area of CCTHITA includes the entire panhandle of Alaska. This is an archipelago having a square mileage area roughly three times the size of Massachusetts.

The major federal programs administered by CCTHITA during FY 89, including funding level was:

Department of Interior	
Bureau of Indian Affairs	$3,040,183
Department of Health and Human Services	
Headstart	$1,180,278
Administration for Native Americans	$ 158,350
Community Services Block Grant	$ 93,496
Community Services Homeless Program	$ 11,553
Low Income Energy Assistance Program	$ 422,803
JOBS	$ 16,915
Parent and Child Education	$ 16,357
Family Violence Prevention	$ 14,590
Senior Nutrition Program	$ 12,336

DRAFT - REQUEST FOR SPECIAL APPROPRIATIONS
Program "Caps"/Grantee Subsidy

Department of Commerce Economic Development	$ 78,750
Department of Education Library Expansion/Microfilming	$ 9,249
Department of Labor Job Training Partnership Act (JTPA)	$ 428,174
Department of Housing and Urban Development Community Development Block Grant	$ 520,968

(A full listing of federally funded programs administered by CCTHITA during FY 89 is presented on pages 32 through 44 in the attached FY 89 audit.)

C. Indirect Costs

Indirect costs are necessary expenses incurred in the administration of programs.

They are limited to overhead expense items that directly support program activities. For instance, facility rent is included but tribal dues for membership in the Alaska Federation of Natives or certain legal defense expenses are not included.

The indirect rate is set by the Inspector General of the contracting agent's cognizant agency. In the case of CCTHITA it is the Inspector General for the Department of Interior.

CCTHITA annually submits an indirect cost proposal to the Inspector General of the Department of Interior. The proposal is organized similar to a budget with expense line items and probable grant income sources. The Inspector General reviews the proposal and makes acceptance determinations, on a per line item basis, those administrative expenses directly supporting program activities.

The Inspector General's findings result in an indirect rate expressed as a percentage. This rate is then applied to grant award amounts determining the which portions of the award go to direct services and which go to indirect support services.

The FY 89 approved indirect cost for CCTHITA was 30.1%. The approved proposal is attached for your information.

DRAFT - REQUEST FOR SPECIAL APPROPRIATIONS
Program "Caps"/Grantee Subsidy

D. Federal Program "Indirect Caps"

Some federal programs impose limits on the amount of indirect a recipient of one of their grant awards can charge. This limit is

referred to as a "cap".

Because a "cap" is imposed by an agency does not limit the amount of administrative support expense to the grant recipient.

This results in an actual cash loss to the grant recipient in the administration of the federal program.

For example, if during FY 89 CCTHITA received a $100,000 federal grant having a 20% indirect "cap", $20,000 would go to cover contract support services but the tribe would incur actual costs of $32,800. This means that CCTHITA must find $12,800 to administer this program for the federal government. This is an actual cash loss to CCTHITA.

CCTHITA refers to these support services expense shortages as federal government program subsidies - the tribe is subsidizing the federal government. The FY 89 individual program subsidy impact on CCTHITA was:

Program Title	"Cap"	Dollar Impact
Headstart	15%	$102,530
Job Training Partnership Act (JTPA)	20%	$ 74,909
Community Services Block Grant	5%	$ 11,364
TOTAL SUBSIDY		$188,803

With the exception of the Community Services Block Grant, these programs were originally designed to be administered by city and county governments. Local government entities can compensate for imposed "caps" by revenue generating devices such as increases in property or sales taxes.

Tribal governments, like CCTHITA do not have this income opportunity requiring them to liquidate what few assets they have, or divert miscellaneous income to cover federal program costs.

At present, CCTHITA leadership is questioning if it can continue to offer Headstart to Indian children in Southeast Alaska. Other subsidized programs are receiving similar scrutiny.

DRAFT - REQUEST FOR SPECIAL APPROPRIATIONS
Program "Caps"/Grantee Subsidy

The risk for CCTHITA is that if it continues to subsidize federal programs it may fully deplete its asset base and bankrupt itself.

E. Program Audit Requirements

Federal programs require third party audit by a certified professional auditing firm. The purpose of the audit is to monitor the grantee's compliance with financial and performance regulations.

The federal programs for FY 89 administered by CCTHITA has received audit by the accounting firm of Ernst & Young. The audit involved assessment of CCTHITA's compliance with federal program financial and performance regulations.

The FY 89 audit shows on page 33 that CCTHITA subsidized federal programs by $306,153, of which $188,803 was the result of "caps" on indirect.

IV. CONCLUSION

This request for Special Appropriations, upon approval, will compensate CCTHITA for actual incurred costs in administering FY 89 federal programs. Approval of this Special Appropriations request can correct this subsidy condition.

In this issue three important facts must be kept in mind:

1. CCTHITA did not determine federal program support services expenses, this was set by the Department of Interior's Inspector General.
2. Final determination of the impact of the "cap" on CCTHITA, the level of subsidy, was set by a third party auditor, i.e., Ernst & Young.
3. "Capped" federal programs were originally designed for administration by city and county governments who have sales and property tax vehicles to offset the impact of the cap.

United States Department of the Interior

OFFICE OF INSPECTOR GENERAL

WESTERN REGION
2800 COTTAGE WAY, ROOM W2400
SACRAMENTO, CALIFORNIA 95825

April 24, 1989

Mr. Edward K. Thomas, President
Central Council of the Tlingit
and Haida Indian Tribes of Alaska
320 West Willoughby Avenue, Suite 300
Juneau, Alaska 99801

Dear Mr. Thomas

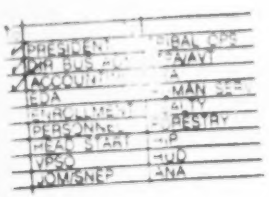
Enclosed herewith is an executed copy of the Indirect Cost Negotiation Agreement for use on contracts and grants between the Federal Government and the Central Council of the Tlingit and Haida Indian Tribes of Alaska

Sincerely,

for Michael Keese
Regional Audit Supervisor

Enclosure

cc: Office of Procurement Assistance and Logistics, DHHS
Regional Director, Division of Cost Allocation, DHHS
Audit Liaison Officer, BIA
Area Director, Juneau Area Office, BIA
Regional Audit Manager, DOL
Millie D. Bentley, CPA, Alaska Department of Health
Headquarters - Master Files (W-IP-JU-BIA-029-89)



INDIAN ORGANIZATIONS
INDIRECT COST NEGOTIATION AGREEMENT

ORGANIZATION:

Central Council of the Tlingit and
Haida Indian Tribes of Alaska
320 West Willoughby Avenue, Suite 300
Juneau, Alaska 99801

DATE: APR 2 4 1989

FILING REF.: This replaces the Negotiation Agreement dated December 13, 1988.

The indirect cost rates contained herein are for use on grants and contracts with the Federal Government wo which Public Law 93-638 and Office of Management and Budget Circular A-87 apply, subject to the limitations contained in 25 CFR, Chapter 1, subchapter M, and in Section II A of this agreement. The rates were negotiated by the U.S. Department of the Interior, Office of Inspector General, Western Region, and the Central Council of the Tlingit and Haida Indian Tribes of Alaska, within the authority contained in Attachment A, Section J.4 b. of the Circular.

SECTION I: Rates

Type	Effective Period From	To	Rate	Locations	Applicable To
Final	10/1/86	9/30/87	120.1%*	All	1/
Fixed carry-forward	10/1/87	9/30/88	145.6%*	All	1/
Fixed carry-forward	10/1/88	9/30/89	30.1%**	All	2/

1/ Direct salaries and accrued annual leave of all programs.

2/ All programs except Department of Health and Human Services' Low Income Home Energy Assistance Program and the Department of Labor Job Training Partnership Act for Adult and Youth (participant payments).

*Base: Total direct salaries.

**Base: Total direct costs less capital equipment and enterprises.

*Treatment of fringe benefits: Fringe benefits, other than accrued annual leave, applicable to direct salaries and wages are treated as other direct costs and excluded from the base.

**Treatment of fringe benefits: Fringe benefits applicable to direct salaries and wages are treated as direct costs; fringe benefits applicable to indirect salaries and wages are treated as indirect costs.

A. LIMITATIONS: Use of the rates contained in this agreement is subject to any applicable statutory limitations. Acceptance of the rates agreed to herein is predicated upon the following conditions: (1) that no costs other than those incurred by the grantee/contractor were included in its indirect cost rate proposal and that such costs are legal obligations of the grantee/contractor and are allowable under the governing cost principles, (2) that the same costs that have been treated as indirect costs have not been claimed as direct costs, (3) that similar types of costs have been accorded consistent accounting treatment and, (4) information provided by the grantee/contractor which was used to establish the rates is not later found to be materially incomplete or inaccurate by the Federal Government. In such situations the rate(s) would be subject to renegotiation at the discretion of the Federal Government.

B. CHANGES: If a fixed or provisional rate is contained in this agreement, it is based on the organizational structure and the accounting system in effect at the time the proposal was submitted. Changes in the organizational structure, or changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rates in this agreement, require the prior approval of the authorized representative of the responsible negotiation agency. Failure to obtain such approval may result in subsequent cost disallowances.

C. FIXED RATES: If a fixed rate is in this agreement, it is based on an estimate of the costs for the period covered by the rate. When the actual costs for this period are determined, an adjustment will be made to future year(s) rate to compensate for the difference between the costs used to establish the fixed rate and actual costs.

D. PROVISIONAL-FINAL RATES: Within 6 months after year end, a final rate must be submitted based on actual costs. Billings and charges to contracts and grants must be adjusted if the final rate varies from this provisional rate. If the final rate is greater than the provisional rate and there are no funds available to cover the additional indirect costs, the organization may not recover all indirect costs. Conversely, if the final rate is less than the provisional rate, the organization will be required to pay back the difference to the funding agency.

E. AUDIT: Adjustments to amounts resulting from audit of any cost allocation plan upon which the negotiation of this agreement was based will be compensated for in a subsequent negotiation.

F. NOTIFICATION TO FEDERAL AGENCIES: Copies of this document may be provided to other Federal offices as a means of notifying them of the agreement contained herein.

G. OTHER: If any Federal contract, grant, or other agreement is reimbursing indirect costs by a measure other than the approved rate(s) in this agreement, the grantee/contractor should (1) credit such costs to the affected programs, and (2) apply the approved rate(s) to the appropriate base to identify the proper amount of indirect costs allocable to these programs.

SECTION II: General — Page 3 of 3

H. SPECIAL REMARKS: See attachments 1 and 2.

By the Tribal Organization — ACCEPTANCE — By the Responsible Agency for the Federal Government

/s/ — /s/

ERIC R. DAVENPORT
Name

DIRECTOR BUSINESS ADMINISTRATION
Title

APRIL 18, 1989
Date

W. Michael Keefe
Name
Regional Audit Supervisor
Western Region
Title
U.S. Department of the Interior
Office of Inspector General
Agency
APR 24 1989
Date
Negotiated by Bruce P. Johnson
Telephone (916) 978-4883/FTS 460-4883

Attachment 1
Page 1 of 1

Central Council of Tlingit and
Haida Indian Tribes of Alaska
FY 1989 Direct Cost Base

FEDERAL PROGRAMS	Amount
Bureau of Indian Affairs:	
Block Grant	$1,602,710
Johnson-O'Malley	133,200
Johnson-O'Malley	203,905
Indian Child Welfare	100,156
Subtotal	2,039,971
Department of Health and Human Services:	
Community Development Block Grants	171,700
Social and Economic Development	123,340
Headstart	811,597
Subtotal	1,106,637
Department of Labor:	
Job Training Partnership Act	205,631
Department of Commerce:	
Economic Development Administration	57,565
Miscellaneous Small Federal Programs	87,676
Subtotal Federal Programs	3,497,480
STATE PROGRAMS	
Village Public Safety Officers Program	319,227
Older Alaskans Commission	35,989
Southeast Rural Community Social Services	85,339
Subtotal	440,555
ENTERPRISE FUNDS	261,871
FY 1989 Direct Cost Base	$4,199,906

Note: The approved indirect cost rate will apply to any increases in the programs accepted above and to programs that are received subsequently and benefit from the Council's administrative services.

Attachment 2
Page 1 of 2

Central Council of Tlingit and
Haida Indian Tribes of Alaska
FY 1989 Indirect Cost Pool and Rate Computation

Title/Description	Amount
Salaries:	
President	$ 74,714
President's Assistant	40,660
Tribal Enrollment Specialist	27,434
Business Manager	55,509
Executive Secretary	29,435
Planner	10,000
Controller	55,571
Supervisory Accountant Specialist	38,317
Accountant-Contract/Travel	32,899
Accountant Technician-Payroll	30,010
Personnel Clerk (25%)	6,992
Property Specialist (50%)	16,500
FABX Operator/Receptionist	12,405
Secretary	27,532
Office Assistant	23,396
Subtotal Salaries 1/	481,374
Fringe Benefits on Above Salaries 1/	145,912
Travel	50,000
Office Operations, Maintenance, and Interest 2/	230,000
Training	15,000
Equipment, Rent, and Maintenance	60,000
Purchase of Equipment	10,000
Printing, Postage, and Supplies	59,400
Telephone and Telegraph	62,000
Insurance and Bonding	10,000
Dues, Subscriptions, and Advertising	19,500
Data Processing Services 1/	10,000
Legal Services 1/	30,000
Accounting Services 1/	60,000
Other Professional Services	20,000
Contractual	30,000
Convention Expense	85,000
Tribal Elders	10,000
Merit Adjustments 1/	2,000
Public Relations 1/	16,000
Executive Committee Expenses	39,674
Finance Committee Expense 1/	4,200
Other Committee 1/	20,000
Subtotal	1,470,060

Central Council of Tlingit and
Haida Indian Tribes of Alaska
FY 1989 Indirect Cost Pool and Rate Computation

Title/Description	Amount
Less Unallowable Expenses:	
Purchase of Equipment	(10,000)
Tribal Enrollment Program	(48,194)
Government Relations	(30,000)
Elderly Program	(10,000)
Tribal Dues and Subscriptions-Lobbying	(12,500)
Investment Management	(10,000)
Public Relations	(16,000)
Legal Services	(24,600)
Low Income Home Energy Assistance Program	(35,050)
Job Training Partnership Act	(10,533)
Subtotal Unallowable Expenses	(206,877)
FY 1989 Indirect Cost Pool	$1,263,183
FY 1989 Direct Cost Base (Attachment 1)	$4,199,906
FY 1989 Indirect Cost Rate	30.1%

1/ Costs were treated as indirect costs and should not be allowed as direct charges to contracts and grants. All other costs were either direct or indirect depending on whether they applied to direct or indirect activities.

2/ Rental cost on building owned by the Council may include interest in conformance with the provisions of Office of Management and Budget Circular A-87 (1/15/81), Attachment B.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF EDUCATION, INDIAN EDUCATION

WITNESSES

SAM CAGEY, CHAIRMAN, LUMMI INDIAN TRIBE
JEWELL JAMES

Mr. DICKS. The Lummi Indian Tribe? Welcome.

Mr. JAMES. Thank you, Mr. Chairman. My name is Jewell James. I'm the coordinator of the Lummi treaty protection task force. I'm here on behalf of the Lummi Indian Tribe. I have with me our chairman, Mr. Sam Cagey.

Mr. DICKS. Hi, Sam. Good to see you again. Glad to have you here.

Mr. JAMES. It is an honor to be here.

Mr. DICKS. We'll put your statement in the record, and you'll have five minutes to summarize.

Mr. JAMES. Thank you. It is an honor to be here, and we'd like to open up with the statement that we are very appreciative of this Committee's intervention in protecting Madrona Point. The Lummi people, the Lummi tribal council, at least the Lummi Cultural Committee were very concerned. Had this Committee not paid attention and taken action immediately, the——

Mr. DICKS. I regret that I couldn't get up there in February when you had your ceremonies. I had a commitment in my own district, but we worked with Congressman Swift on this, and we're delighted that we were able to help in that. I think it is a very worthy project, and we appreciate Mr. Yates' cooperation in this, too. He was very helpful.

Mr. JAMES. Thank you.

Like the Hoopa Tribe, the Quinault Tribe, and the Jamestown-Klallam Tribe, we are also one of the original self-governance tribes. We are in the process of coordinating and structuring a relationship with the Department of Interior so that we can proceed with negotiations. We hope to enter a compact that will be submitted to this Committee for review and hopefully approval. However, we do emphasize that there are problems in regards to the negotiations, you know, the Department and the——

Mr. DICKS. Are those negotiations done at the national level, or are they done at the regional level?

Mr. JAMES. Well, we're approaching it as a collection of tribes and trying to structure it on a—I would say national, but we can't speak for all 10 tribes at this moment.

Mr. DICKS. Okay.

Mr. JAMES. We do anticipate the need for continued support from this Committee. The influence of the Committee helps move along the process. We do expect the Department to maintain a very resistant position, and we have had problems getting information in the past. As a consequence, that has slowed down the process. However, we are in the process of, as the Hoopa said, setting up negotiations beginning in April. Again, we thank you for the support that you have offered in that area.

The Lummi Tribe would also like to emphasize the Lummi tribal school needs. We know that there is a hold on what they call the Education Department request, but this is not so much a department request in that we have a tribal school except there was an explosion, and the explosion has caused extensive damage. Not only has it caused structural damage, but it has also caused the whole area to be blanketed with asbestos.

The tribal school has been moved to the Lummi neighborhood facilities. We have had some monies earmarked for fiscal year 1990 that the Administration was providing for doing some renovation to the actual furnace that had exploded. However, it came too late, and now we are forced to relocate our children into a neighborhood facility that is not made for a school operation. However, with the inconvenience, students are still enjoying their educational progress.

We are concerned that the monies that we do have would not meet the renovation needs, so we have approached the Administration asking for more monies in order to set up modular systems so that students will not be cramped. We need renovation in the kitchens. We need renovation in the dining. We need renovations throughout the whole system.

However, there are no monies in the emergency funds, so we approach the Administration with the intent to exhaust the administrative remedy. We knew our anticipated answer would be such as we received. As a consequence, we are asking for a Congressional supplemental appropriation for fiscal year 1990, so that we can continue with our school and keep the children in a safe facility that will meet the needs, at least as close to standard as possible. Right now it is way below the standards, even for the BIA.

We do have requests for fiscal year 1991 appropriation needs to complete the modular system that is being implanted around the Lummi neighborhood facility. Through the support of this committee, we hope that this fall that we would be in the minimal situation to provide the kids with their educational needs.

Mr. DICKS. Okay. The problem is that we may not have a supplemental appropriations bill this year. That could be a problem here. We also suggest that you should talk to Congressman Swift, too, and make sure he is well aware of this.

Mr. JAMES. We appreciate that advice.

Mr. DICKS. Good. How is the fishing up there?

Mr. JAMES. Well, there's a lot of problems with the fishing, of course. The benefit is that we have a lot of hatcheries in the Pacific-Northwest. As a result of support from the Committee here, we are seeing fish return in hatchery stocks. Of course, we are constantly working to protect the stocks in the rivers.

Mr. DICKS. Good. Thank you for your testimony. We appreciate your being here. I'm going to turn this hearing over to Congressman Atkins from Massachusetts, a member of our Committee.

[The prepared statement of Mr. James follows:]

LUMMI INDIAN BUSINESS COUNCIL
2616 KWINA RD. • BELLINGHAM, WASHINGTON 98226-9298 • (206) 734-8180
DEPARTMENT EXT.

Testimony of Jewell James
Lummi Treaty Protection Task Force Coordinator
Lummi Indian Tribe
Before the
House Interior and Related Agencies
Appropriations Subcommittee
on the
Fiscal Year 1991 Appropriations for BIA & IHS
March 15, 1990

Lummi Tribal Appropriations Priorities: Tribal Level

As one of the original Self-Governance Demonstration Tribes with pending negotiations on the Compact Agreement with the United States, we request the opportunity to return to this Committee with an agreement for Congressional approval. As the BIA has not been supportive of the Self-Governance concept and the agency cannot be expected to present a positive negotiation position, our FY91 appropriations requests focus on the provision of an adequate tribal budget base to successfully implement the Self-Governance Demonstration Project.

1. Increase of $150,000 in BIA Tribal Services for Lummi Self-Governance Demonstration Project: An increase in the Tribal Budget Base to adequately implement the Project.
2. **Increase of $581,000 in FY90 Supplemental Appropriations to address emergency acquisition of modular classrooms due to an explosion in the Lummi Tribal School.**
3. Increase of $118,600 to BIA Tribal Services Tribe/Agency base for Lummi Tribal Court to provide basic judicial services, personnel and support costs;
4. Restore $60,000 into BIA Wildlife and Parks Tribe/Agency base for Fisheries Enforcement to support two full time officers and patrol vessel O&M;
5. Increase of $370,000 in BIA Construction Building and Utilities Account for emergency completion of the Lummi Tribal School modular units, due to extensive damage caused by explosion in existing facilities;
6. Increase of $150,000 in BIA Construction Building and Utilities Account for Planning and Architectural Design of a permanent Lummi Tribal School;
7. Increase of $75,000 into BIA Tribal Services Tribe/Agency base for Lummi Indian Child Welfare program;
8. Increase of $150,000 for Hatchery O&M built into BIA Wildlife and Parks Tribe/Agency;
9. Increase of $30,000 in BIA Construction Land Acquisition to purchase Skookum Creek Hatchery land, due to pending lease expiration;
10. Increase of $100,000 in BIA Trust Responsibility for Archaeologist, support staff, and operations for research/documentation to address tribal grave-site issues located in treaty ceded areas.

GERALD L. JAMES, Vice Chairman — JAMES M. KAGEY, Secretary — LARRY G. KINLEY, Chairman — RONALD E. EMMERSON, Treasurer — CLARENCE ROE — CHARLES H. JEFFERSON
ERNEST J. JEFFERSON, Councilman — MERLE D. JEFFERSON, Councilman — WILLIAM E. JONES, Councilman — RANDY L. KINLEY, Councilman — DENNIS K. LANE, Councilman

Lummi Tribal Appropriations Request & Recommendations: Regional Level

* Request Regional and Local Tribal organization 638 contractors receive full base level funding for their programs and cost of living increases at par with Federal bureaucracies.
* Restore $2 million for Timber-Fish-Wildlife program and increase to $2.86 million for FY91 added to BIA Wildlife and Parks Tribe/Agency Base.
* Restore/increase Tribal Hatcheries Cyclical Maintenance to $250,000 for FY91.
* Increase Unresolved Hunting and Fishing Rights account in Wildlife and Parks to $500,000 to address complex co-management issues such as shellfish and hunting with specific reference to issues involving the Boldt Case Area.
* Increase of $198,000 for U.S. Section of U.S./Canada Pacific Salmon Treaty added to BIA Wildlife and Parks Base.
* Increase IHS Portland Area Office Contract Health Care to address chronic shortfall of available medical/dental treatment.

Lummi Tribal Appropriations Recommendations: National Level

* We support the American Indian Higher Education Consortium FY91 Appropriation requests for increase in operating funds, Endowment, Technical Assistance, Construction, Snyder Act Funds, and Adult Basic Education and Adult Vocational Training, and a 2/12ths set-aside of the 2% ear-marked for Indian Country, under the authority of the Carl Perkins Vocational Education Act.
* We support a $250,000 increase for the American Indian Trade and Development Council nationwide marketing initiative.
* Increase BIA Indian Business Development Grant Program to $15 million to address nationwide needs.
* Restore the $3.1 million reduction for BIA-JOM to FY90 level.
* Restore the $1.36 million reduction for BIA Scholarships to FY90 level.
* Restore the $1.3 million reduction for BIA Welfare Assistance and increase to address unmet needs in the Pacific Northwest.
* Restore the $4 million reduction for BIA Tribal Services Tribe/Agency Aid to Tribal Government.
* Restore the $1.6 million reduction for BIA Fish Hatchery Rehabilitation and increase to $2 million in FY91 added to BIA Construction base.
* Restore the $59 million reduction for IHS facilities construction.
* Increase BIA Indian Child Welfare Grant Program to address nationwide unmet needs.

I am Jewell James representing the Lummi Indian Business Council. I am the Lummi Treaty Protection Task Force Coordinator. We certainly appreciate the opportunity this Subcommittee has provided to present our requests and recommendations regarding the FY91 BIA and IHS budgets.

Lummi Tribe Expresses Appreciation for Congressional Support To Protect Madrona Point Ancestral Burial Site

I wish to express on behalf of the Lummi Indian Business Council and Lummi Tribal membership our profound gratitude to this Subcommittee and Congress for your Fiscal Year 1990 support to protect and preserve our ancestral burial grounds, known as Madrona

Point, from further development disturbances. Thank you so much for your critical intervention and assistance.

Congressional Support Needed for Self-Governing Tribes to Successfully Negotiate Compact Agreements

The Lummi Tribe, Hoopa Valley Tribe, Jamestown-Klallam Tribe, and Quinault Indian Nation represent four of the original ten Self-Governance Demonstration Tribes. In early February, 1990 we jointly submitted a request to Interior Secretary Lujan for Congressionally designated BIA budget information, a pre-negotiation meeting, and the appointment of an independent negotiator for the United States. This is the most critical and difficult phase of the Self-Governance Project. We believe the BIA's scorn and rejection of this Demonstration will continue. Congressional support will undoubtedly be necessary for successful negotiations.

Funds Requested To Assist Tribe Implement/ Communicate Self-Governance

The Lummi Tribe is one of the first ten volunteer tribes participating in the historic Self-Governance Demonstration Project initiated by this Subcommittee. Our negotiation with the Interior Department this year is pending a response from Secretary Lujan. Several of our appropriations requests are intended to build a budget base for those programs unavailable for negotiations.

The Tribe requests a special appropriations increase of $150,000 for FY91 to assist the Tribe revise to its Constitution and ordinances as well as finalize administrative procedures. The Lummi Tribe has responded to an overwhelming number of Tribal requests for Self-Governance information as the BIA has provided primarily oral disinformation on this Project. In conjunction with the Quinault Nation and Jamestown-Klallam Tribe, we published a "Red Paper" providing an overview of the Self-Governance Project and hosted a national/regional seminar in Seattle on this topic in January 1990. We propose to continue the dissemination of self-governance information through publications and regional seminars to ensure this important Congressional/Tribal concept is understood by all parties. Unless a Self-Governance information program is continued, we fear that BIA non-communication and misinformation will severely hamper future reauthorization plans.

In the history of BIA administration of tribal programs and services, under the trust responsibility obligations, tribes have always suffered from an inadequate BIA Base appropriations. Tribal fiscal needs have always been met with resistance — especially when appropriation limitations decreasad allowances for Bureau needs. The amounts allocated to tribal needs by BIA is not reflective of actual Lummi Tribal Self-Governance Base Appropriations requirements.

The Lummi Indian Tribes is one of the twelve Tribes in the multi-tribe BIA Puget Sound Agency. We have clear indications that the BIA will be most resistant to transfer resources to the Lummi Tribe from existing BIA operations or services. We request consideration of basic increases to the BIA base for FY91 to create at least adequate resources for the Tribal government to successfully implement Self-Governance. These increases would include:

+$600,000 for Tribal Government operations added to BIA Tribal Service Tribe/Agency Base.

+$250,000 for Tribal law enforcement added to BIA Tribal Services Tribe/Agency Base.

+$350,000 for Tribal judicial services added to BIA Tribal Services Tribe/Agency Base.

+$350,000 for Tribal fisheries management added to BIA Wildlife and Parks Tribe/Agency Base.

+$400,000 for Tribal social services added to BIA Tribal Services Tribe/Agency Base.

+$575,000 for Tribal infrastructure development (roads/maintenance/facilities) added to BIA Construction Tribe/Agency Base.

+$400,000 for Tribal Administrative Management added to BIA Tribal Services Tribe/Agency Base.

Furnace Explosion in Lummi Tribal School Creates Emergency Need for Interim Facilities in FY90 & 91

A furnace explosion in our Lummi Tribal School building has created an emergency pupil classroom housing situation for the Tribe. The BIA FY90 Budget Justification included $575,000 for major renovations of this school facility. After BIA Construction Engineer analysis of the damage, all parties agree that the structural damage to our Tribal school is beyond cost-effective repair. The BIA has agreed to revise that FY90 work scope to renovate the Tribal neighborhood facility for temporary classrooms and add modular classrooms adjacent to the facility. In order to open class for all grade levels in September, 1990 an emergency FY90 Supplemental Appropriations of $581,000 in BIA Construction is required to purchase/install modular classrooms and cafeteria equipment as well as renovate facilities.

Increase Requested for Lummi Tribal Judicial Services

The Lummi Tribe requested an FY90 increase of $168,000 to support Tribal Judicial Services and received a Congressional increase of $50,000. We are most appreciative for this add-on; however, the demand for court services continue, and are increasing.

Therefore, we request an appropriation increase of $118,000 built into the BIA base for Lummi Tribal Court Services to provide for a full time Judge, Prosecutor, Public Defender, Probation Officer, administrative support staff and operational expenses, including contractual arrangements with the local Whatcom County Jail. Again, complete justification for this increase is available for staff review.

Restore Funding for Marine Patrol Officers and Vessel O&M

In FY90, Congress provided $150,000 to purchase a marine patrol vessel and support two fisheries enforcement officers as well as vessel operation and maintenance. The BIA eliminated this provision for FY91. We request a Congressional restoration of $60,000 in FY91 added to the BIA Wildlife and Parks Tribe/Agency base to support two fisheries enforcement officers and the operation/maintenance expense for the marine patrol vessel.

Fiscal Year 1991 Lummi Tribal School Emergency Needs

Provision of two additional modular classrooms	$ 60,000
Renovation of the College library	$ 60,000
Architectural design of a pre-Kindergarten thru 12th grade permanent school	$ 150,000
Land acquisition for permanent school site	$ 250,000
Total FY91 Request	**$ 520,000**

The Lummi Tribal School facility has a projected 1990 enrollment of 223 students from pre-kindergarten through 12th grade. A complete narrative budget on FY90-91 needs is available.

Increase Requested for Lummi Indian Child Welfare Services

The BIA-managed Indian Child Welfare Grant program had received limited appropriations over the years to address a serious social issue in Indian Country. Although each Tribe in the nation needs ICWA grants to address increasing caseloads with sensitivity and effectiveness, Tribes compete each year for limited dollars creating program instabilities. These service disruptions invariably mean children left unserved, dysfunctional families providing the parenting, and the looming potential for child abuse and neglect. To protect our future, we request an FY91 appropriation increase of $75,000 added to the Lummi Tribal Services Tribe/Agency base for Indian Child Welfare Services. This base increase for Lummi Child Protective Services is necessary.

Hatchery O&M Land Purchase Needed to Preserve Investment

The Lummi Tribe appreciates this Committee's support for hatcheries rehabilitation and cyclical maintenance in FY88-90 allowing for essential modernization of our two antiquated hatcheries. We have requested that these two programs be continued as fisheries enhancement is extremely important for our Tribal economy. In FY91, we request Congressional consideration of two hatchery-related initiatives:

Hatcheries O&M: A $150,000 Tribal base appropriations increase to produce/manage increased production of coho, fall chinook, and chum salmon beginning in 1990 to alleviate the impact of U.S. Canada quota reductions on traditional salmon harvest species. Cost increases are for personnel and operations.

Purchase of Skookum Creek Hatchery Land: The tribally-operated Skookum Creek Hatchery is located on private leased land. The lease is scheduled to expire in FY91. We request $30,000 to purchase this land site to be placed in trust for the Lummi Tribe.

Archeological Study of Ceded Areas Needed To Identify/Protect Burial Sites

The Congress provided support in FY90 to purchase a Lummi traditional burial site on Orcas Island known as Madrona Point. The Lummi Tribe maintained traditional fishing village sites, usually according to family clans, throughout the San Juan Islands to more efficiently harvest and cure salmon for commercial and subsistence purposes. Transportation advancements in recent years have made these once remote islands readily accessible resulting in commercial developments. Other individual or small groupings of burial sites have been uncovered in recent months requiring cross-culture sensitive resolutions.

The Lummi's request $100,000 to employ a professional archaeologist with support staff and provide project operations expense to thoroughly research and document the historical significance of these areas, assist the tribe and county identify other burial areas, and provide technical assistance on appropriate methods for future management of this increasing problem.

Congress Should Support Tribal Programs Including Cola

The BIA/IHS Budget Justifications address Federal benefits for Federal employees and reduce tribally-managed programs and ignore most justified COLA increases for Tribal Contractors. We request that Congress give priority to Tribally-contracted programs and direct the bureaucracies to fully fund COLA increases for Tribes and Indian organizations.

TFW Program Needs To Be Restored and Increased

The unique Timber-Fish-Wildlife program assists the twenty-six Tribes in Washington State, the State of Washington, and the timber industry to collaboratively protect habitat in balance with commercial timber harvest interests. This model initiative is proposed for elimination by the BIA in FY91 with the convoluted reasoning that the Tribes should be supported by the very groups with which they negotiate; namely, the timber companies and the State. We urge Congress to restore this program $2 million appropriations and increase support to $2.86 million in FY91. We make this appeal with further justification that the EPA continues refusal to recognize the existence of Indian Tribes.

Hatcheries Rehabilitation & Cyclical Maintenance Programs Should Be Restored/Continued

The Tribal Hatcheries Rehabilitation and Cyclical Maintenance programs, once again, are eliminated by the BIA in its short-sighted FY91 Budget Justification. The U.S. Fish and Wildlife Service supports cyclical maintenance and rehabilitation for the National Fish Hatcheries as a scientifically sound practice. We urge Congress to continue the important Hatcheries Cyclical Maintenance program at $250,000 for FY91 and restore the Hatcheries Rehabilitation program to $1.6 million for next fiscal year.

Congress Should Support Marketing Efforts of the American Indian Trade and Development Council

The Lummi Tribe is one of the founders of the American Indian Trade and Development Council which is comprised of a consortium of Tribes and Indian entrepreneurs collectively exploring domestic and international markets for Tribal resources and products. Market research and product promotion are critical functions in private industry, but a veritable luxury for fledgling Tribal enterprises and Indian-owned businesses. Through a collaborative effort, the AITDC serves an important role for participating tribes. We request support for AITDC activities in FY91 for $250,000.

Federal Appropriations Should Focus on Tribal Government Operations/Development

American Indian Tribes signed treaties which translated into a trust relationship evolving into the BIA, IHS, and numerous Federal bureaucracies serving Indian Country. Over time, these bureaucracies became the primary recipients of appropriations to manage allocations to Indians. Although the Indian Self-Determination Act (P.L. 93-638) and its most recent amendments (P.L. 100-472) were intended by Congress and the tribes to reverse this trend, we believe a limit has been reached by bureaucracies in their willingness to yield authority and resources. We urge this Committee give priority consideration to tribal government operations and development in determining appropriations allocations for FY91.

Due to space limitations, we have provided a brief summary of our regional and national recommendations for your consideration. We sincerely appreciate this opportunity to testify on the FY91 appropriations.

testimon.323
3/15/90

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

WAYNE DUCHENEAUX, CHAIRMAN, CHEYENNE RIVER SIOUX TRIBE

Mr. ATKINS. [acting chairman]. Cheyenne River Sioux Tribe? Welcome.

Mr. DUCHENEAUX. Thank you, sir. Good morning.

Mr. ATKINS. We have a copy of your backup material and of your statement, so you'll have five minutes to summarize.

Mr. DUCHENEAUX. Okay, sir. I'd like to introduce Mr. Robert Lofton. He is a member of our council.

Mr. ATKINS. Hello.

Mr. DUCHENEAUX. Before I go on in my statement, I've just come back from a trip to Alaska, and I'd like to support their subsistence preference up there in Alaska, offer my support there, and request that you also support it.

What we're here for today is to ask you for about $32,988,894 to address the unmet need and the things that are in the document that you have before you. We have asked for this for a number of years, and we realize we probably won't get that from you.

We have highlighted about four priorities that the Cheyenne Sioux Tribe has, number one being the completion of our jail and detention facility with a detoxification center and everything else in it. It is designed to be a model facility for use throughout the United States. It has been planned according to the PONI process that the Bureau of Indian Affairs and others have devised. We need it very badly because of the alcoholism and the problems that we have on our reservation.

We're just running these guys in a cycle through this jailhouse facility. This detoxification center will allow for counseling and other things to help maybe interrupt this cycle and, thus, maybe break the dependence upon alcohol and drugs in our society, which is totally wrecking our society.

As I stated this morning in another testimony, there is a tremendous amount of unmet need out there. A lot of the problems that we have today are the result of someone not funding these programs when they were minor programs, and are not minor, but smaller, in scale and could have been dealt with. Instead, we wait until we have a thing as massive as the pine ridge prairie dog problem where it takes $10 million just to correct it when it could have been prevented for little or no money back several years ago. That is the problem we find today.

This will be the third year of phased funding for our jail if we receive it. We need to have it in order to fulfill our——

Mr. ATKINS. How much of the construction is completed at this point?

Mr. DUCHENEAUX. We are going out to bid this year, but we need this other phase to complete the whole building. The building is designed to where we can put this phase on it without the other portion of it. Incidentally, we're under court order on the one that we've gotten now because of the civil rights violations that are oc-

curring. We have no place for our juveniles because our jail doesn't allow for juveniles in it.

Mr. ATKINS. This would have a separate juvenile facility?

Mr. DUCHENEAUX. You've got to meet the law, and the law says that the juveniles must be out of sight and out of hearing from adult prisons, and we can't do that now. With the design, we would be able to do that.

Mr. ATKINS. All right.

Mr. DUCHENEAUX. The other thing is our BIA branch of land operations—I know I probably shouldn't be in here talking for the Bureau of Indian Affairs because they have been getting kicked around from pillar to post here, but we need this funding out there. Otherwise, we are going to end up with the same kind of problems that Pine Ridge has in their prairie dog problems and whatnot.

Mr. ATKINS. The five new positions that you're talking about, they would be doing what?

Mr. DUCHENEAUX. They would be freeing up the managers to do the managing instead of out there doing compliance checks and treating prairie dog problems. If you pay a guy $50,000, you ought to have him do something besides go out and count cattle. He should be trying to manage the resources to the best of his ability as opposed to doing compliance things that clerks and others can do.

Mr. ATKINS. Sure.

Mr. DUCHENEAUX. The other thing is the diabetes awareness and prevention project that we want. We've presently got about 13 people on kidney dialysis from diabetes problems that could have been prevented. Again, this is one of those unmet needs that is being overlooked right now and is going to be a major problem. I don't know whether to say, "Thank God there was an accident," when they were taking somebody to the Bismark Hospital from Standing Rock, but that brought to light one need and Congress saw the need to appropriate money for that.

Mr. ATKINS. Do you have dialysis on the reservation now, or do people——

Mr. DUCHENEAUX. We have about three of four of them that take dialysis on the reservation. The rest we've got to truck down to Pierre, and that's 100 miles. They spend all day down there, and then we bring them back. These are elderly people, and it's not conducive to a good lifestyle being trucked around like that.

Mr. ATKINS. Yes, but the program you want to implement is one that is primarily awareness and prevention.

Mr. DUCHENEAUX. To start with, yes sir.

Mr. ATKINS. Are you aware of the health and human services study that just came out on kidney disease? There is a new study, and they came in before us yesterday. They put the problem of diabetes among native Americans at the very top of their list of priorities in the country.

Mr. DUCHENEAUX. Yes, sir. We have been aware of that for a good many years and have helped the IHS gather the statistics of the need to come before you and present this thing to you.

The tribal education department is another area. All of this is backed up in the booklet. Without proper education, we might as well forget the whole thing anyhow. There is no sense in us being

here if we don't educate these kids. That is a total education, not just the academic things. We need to teach the kids the awareness of drugs and things that they're not getting elsewhere. We need this education department to begin to plan and coordinate our education on the reservation, to develop educational codes so that we won't have to hear that Indians are getting a second-rate education anymore. We believe we can provide a first-rate education.

Tribal alcohol and drug prevention program—we need about $658,000 to do that. Now this is very, very vital. We can send people off for treatment, but we bring them back and we dump them off in the same place where they left from. We have no aftercare facilities or anything like this. Our tribe has declared war on alcohol and drug abuse with the goal that we want to be free of this scourge by the year 2000. Whether that works or not depends on funding. I don't know if we're going to be able to do this or not, especially not without the funding.

It is a major thing throughout the Nation. President Bush has jumped on the bandwagon, and everybody has, except they cut the Indian programs. Evidently, we're not supposed to be in on the war, but we're going to try anyhow. I think we can do some good out there for our people, if we had the comprehensive plan that we need and the help that we need to do this thing.

Another thing, and I told a gentleman this morning, the FAS—the fetal alcohol syndrome—and the fetal alcohol effect is a result of someone not meeting a need back, again, when this problem first——

Mr. ATKINS. Do you have any special programs designed to deal with FAS?

Mr. DUCHENEAUX. We have programs in the school, but they are not good programs. Another thing is that we've got exceptional education programs which the kids probably don't—that probably is a result of fetal alcohol effect and other things that shouldn't be. We've got to do something about it, or we're going to raise a whole generation of people who are affected by this problem.

Thank you, sir.

Mr. ATKINS. Well, thank you. Let me give you a copy of the new—this just came out from Health and Human Services on kidney and urological disease.

Mr. DUCHENEAUX. Thank you, sir. I'll give you the pretty one. [Laughter.]

Mr. ATKINS. We appreciate your graphics.

Mr. DUCHENEAUX. It's just that the Cheyenne River Sioux Tribe would greatly appreciate any consideration on our request.

Mr. ATKINS. Thank you. We will do our best.

Mr. DUCHENEAUX. Thank you very much, sir.

[The prepared statement of Mr. Ducheneaux follows:]

CHAIRMAN
Wayne Ducheneaux

SECRETARY
Arlene Thompson

TREASURER
Rose R. Cadmore I

VICE-CHAIRMAN
Vernon Mesteth

P.O. Box 590
Eagle Butte, South Dakota 57625
(605) 964-4155
(605) 964-4994

TRIBAL COUNCIL MEMBERS

DISTRICT 1
True Clown, Sr.
Vernon Mesteth

DISTRICT 2
Ted Knife, Sr.

DISTRICT 3
Maynard C. Dupris
Ed Widow

DISTRICT 4
Rose Le Compte
David "Bud" Dupris
Robert Lafloe, Sr.
Preston Thompson

DISTRICT 5
Gilbert Marshall
Dan Eagle Staff
Robert Channing Hawk
Terry Fiddler

DISTRICT 6
Calvin "Bud" Traversie
Jane LeBeau

SUMMARY TESTIMONY
OF WAYNE DUCHENEAUX, CHAIRMAN
CHEYENNE RIVER SIOUX TRIBE
BEFORE THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE
March 15, 1990

Mr. Chairman, my name is Wayne Ducheneaux, Chairman of the Cheyenne River Sioux Tribe of South Dakota. On behalf of the Tribal Council, thank you for the opportunity to testify before the Committee today to discuss the areas for which we need your support and assistance.

First, the Tribe deeps appreciates the assistance which the Committee directed to Cheyenne River Sioux in FY 90. These funds have allowed us to improve the delivery of programs and services to our members in critical areas and is helping us to exercise our governmental authorities and responsibilities.

For the third year, we have developed and submitted the Cheyenne River Sioux Budget and Congressional Testimony. This document identifies funding needs for all the programs and services necessary on the Cheyenne River Sioux reservation including those administered by the Tribe, BIA, IHS and educational institutions. I hope you'll read it.

Our budget is based on three funding levels:

First, we have provided the Committee with accurate information on our current level of funding and discussed the deficiencies under this funding level.

Second, we reviewed the law authorizing these services and identified the absolute minimum level required to comply with the law and regulations. In every program area, Cheyenne River Sioux budgets are seriously under that level. An additional $16,411,737 would be required to enable the Tribe and federal agencies to run the programs in full compliance with the law.

Finally, we identified the amount of funding necessary to run an adequate program which would keep pace with the very basic needs. An additional $44,987,199 million is necessary to start

OFFSET
CAMERA COPY

The blue represents the thunder clouds above the world where live the thunderbirds who control the four winds. The [illegible] Cheyenne River Sioux People who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka—the Great Mystery. All the colors of the Lakota are visible. The [illegible]

solving our problems so that we can truly start progressing, rather than just trying to hold things together.

Although our budget addresses only the Cheyenne River Sioux Tribe, I can assure you Mr. Chairman that similar needs exist for almost every Tribe in this country. Until Congress through the budget, authorizing and appropriations Committees start facing this reality and providing funds, the Tribes are going to continue to be in a situation of crises management. If Congress is serious about self determination and self sufficiency for Indian people, it has a moral obligation to provide the assistance to make this possible.

Over the years, the Interior Appropriations Committee has done its best, in my judgement, to respond to the needs of the Tribes within the funds you have to work with, but in order to evaluate the real need in Indian country, you need to have a full and accurate disclosure of information related to three areas: 1.) the real cost of maintaining current services and 2.) the level of unmet need for existing programs and services and 3.) the cost of dealing with problems which could have been prevented.

I'm requesting that the Committee direct both the BIA and IHS to provide honest budget requests -- full disclosure of the funds needed for current programs as well as the level of unmet need -- in the FY 92 budget requests. In my view this would be the most helpful actions you could take on behalf of Indian people.

CHEYENNE RIVER SIOUX TRIBAL PRIORITIES

Mr. Chairman, we recognize that the Appropriations Committees also have a budget to work under and probably cannot accommodate the requests in our Comprehensive testimony. Therefore, the Tribal Council and staff have priortized a few key programs and projects for which we are requesting your support in FY 91. These areas are addressed in detail in the comprehensive Cheyenne River Sioux budget. The following priorities are listed in order of their relative importance to the Tribe:

I. Eagle Butte Model Detoxification/Detention Facility

The Tribe deeply appreciates the funding which you provided in FY 90 to enable the Tribe to expand the Eagle Butte facility beyond what the BIA was proposing. These funds enabled us to include the social detox component in the jail which is designed to provide alcohol intervention and detoxification at the jail. We also appreciate the confidence which the BIA, IHS and Office of Construction Management have placed in our model facility and treatment design. As you know, in a recent report submitted to Congress, these agencies cited the Eagle Butte Facility as a model for future Indian jails based on the detoxification component.

We are pleased at the acceptance and endorsement of our model approach to detention and alcohol intervention. We do believe, however, that as a model the Eagle Butte Facility needs to be constructed as originally planned in the PONI process. To do the job we envisioned, it is necessary to have the full component of beds as well as a tribal court component.

Request: An additional appropriation from the BIA construction account of $1.4 million to complete the original design of the Eagle Butte Jail, specifically the full number of beds and the tribal court component.

II. BIA Branch of Land Operations

I suspect that we may be the only Tribe in the country to come and ask Congress to increase funding for a BIA program. At Cheyenne River, however, we work cooperatively with both the BIA and IHS because they play certain crucial roles in the management of our human and land resources. Cheyenne River Sioux is basically ranching country -- 1.3 million acres of the reservation is rangeland suitable primarily for cattle ranching. The BIA has the responsibility of handling all allotted lands including: fire management, range improvement, permit compliance, range monitoring, range planning, range administration, leasing etc.

The land is the single most important resource to Cheyenne River. It is the basis of our existence and survival both as a Tribe and as individual ranchers, farmers and landowners. The land must to be managed properly and if takes putting more money into the BIA to accomplish it, that is what must be done.

Request: A permanent increase of $562,448 for the Cheyenne River Sioux BIA Agency Land Operations budget to fund five new positions, additional vehicles and operating expenses.

III. Diabetes Awareness/Prevention Project

Diabetes has reached epidemic proportions among the Cheyenne River Sioux with over 40% of the adults afflicted and estimates of many more undiagnosed cases. The solution to this problem is to implement a tribal program of awareness, prevention and control.

Request: An specific earmark and base budget from within the IHS budget for Cheyenne River Sioux of $379,887 in FY 91 to establish and operate a Diabetes Awareness/Prevention Project.

IV. Tribal Education Department

The Cheyenne River Sioux supports the intent of the Indian

Education Amendments (P.L. 100-297) which authorized the establishment of Tribal Education Departments, but we have been disappointed that neither the BIA nor the Appropriations Committees have seen fit to provide funding to implement these departments. At Cheyenne River, we believe education is a key to the solution of many problems. Under a Tribal Education Department, the Tribe will: develop a comprehensive Tribal education plan; improve the continuity and coordination of education services; and coordinate educational activities on the reservation.

Request: $178,085 to establish and maintain a tribal education department and continued funding at the same level to complete the implementation and operation of the Department.

V. Tribal Alcohol and Drug Prevention Program

The Cheyenne River Sioux Tribal Council declared a War on Drugs and Alcohol in 1987. Since then we have implemented a number of tribal policies and procedures aimed at decreasing alcohol and drug abuse, two communities have voted themselves alcohol and drug free and we have incorporated this goal into our comprehensive tribal planning. The Eagle Butte Model Detention Center/Jail is an example of what we're trying to do as a Tribe to save our people from this number one killer of Indians.

Declaring war is one thing. Winning is another. Due to a critical lack of funding, the Cheyenne River Sioux Tribe is engaged in a war that we can't win. Right now, we're conducting guerilla warfare, because we simply do not have the ammunition, supplies and manpower to achieve our objective. The most effective weapons available to us all require money -- treatment, intervention, aftercare and education are all severely limited under present funding constraints.

Request: A permanent increase of $658,674 to the Tribal Alcohol and Drug Prevention program to increase staff and increase the level of community based intervention/prevention, half-way and three quarterway house services and aftercare services.

Thank you for the opportunity to testify and for your consideration of our requests.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

ROBERT DONALD McGHEE, CHAIRMAN, CROW CREEK SIOUX TRIBE

Mr. ATKINS. Crow Creek Sioux Tribe? We have a copy of your statement that will be entered into the record.

Mr. MCGHEE. You should have a copy of——

Mr. ATKINS. Yes, we do have a copy right here. You'll have five minutes to summarize and highlight any points that you want to bring to the Committee's attention.

Mr. MCGHEE. Thank you, Mr. Chairman, for the opportunity to testify today on behalf of the Crow Creek Sioux Tribe. My name is Don McGhee. I'm chairman of the Crow Creek Sioux Tribe.

Our written testimony describes our request in detail. I am also providing a report that has specific engineering information and cost estimates for one of our projects. I'll just highlight our request this afternoon. On behalf of the Crow Creek Tribe, we thank you for the funds that were provided for the Crow Creek health clinic in the past two years. This is now up and running and is a first-rate facility. It has made a big improvement in health care on the reservation, and it is deeply appreciated by the Crow Creek people.

This is the first time in many years that the tribe has come to Congress to request special help. We have unmet needs in almost every program, and we're getting tired of having the BIA turn down or shelf our requests for funding.

We decided that the only way to get help is through the Appropriations Committee and our South Dakota delegation. We appreciate the fact that you have budget limits, too, so the tribal council went through our needs and identified the most critical areas that we are requesting today.

These are the needs in order of importance. First, we have a request for $949,300 from the BIA irrigation construction to repair the irrigation systems on the Crow Creek farm. This is the most important because the farm is one of the two tribal businesses that generates income and jobs on the reservation. We also are opposed to moving BIA irrigation money to the Bureau of Reclamation.

Number two, we are requesting you to direct the Indian Health Service to conduct an engineering study to determine what the problems are with our community water system. The system is nearly 40 years old. Every summer we run out of water. This is a hardship on the people, especially for their health and safety.

Number three, we are requesting some training and technical assistance for the Indian Health Service with the Crow Creek suicide task force and prevention efforts. We have a very high suicide rate, averaging five per year, and attempted reports every day. The use of this task force is what we need to focus on in improving this situation. We have the Grand High School, which is a boarding school on the Crow Creek reservation, which houses Indian children from all over the country. This is where many of the problems are. We want to develop a plan to deal with this problem, but we need some help from IHS.

We are requesting some funds for a new program called TRI-CAPP. This is a cattle replacement program, a restocking program. This is going to be authorized by a bill to be introduced by Congressman Johnson and will help several tribes, including the Crow Creek, to set up cattle operations.

Thank you for the chance to testify. These things are very important to the Crow Creek Tribe, and I hope that you will find a way to help us out in these areas.

Mr. ATKINS. Thank you. We'll be doing our best. I had an opportunity to visit out in the area with Congressman Johnson, and I know of his deep interest and concern. I should have raised that earlier as well with the Cheyenne River Sioux Tribe. I know Congressman Johnson takes a great interest in this. The Committee will be working trying to accommodate as best we can.

Mr. MCGHEE. Okay. Thank you.

Mr. ATKINS. Thank you.

[The prepared statement of Mr. McGhee follows:]

CROW CREEK SIOUX TRIBE

FORT THOMPSON, SOUTH DAKOTA 57339

TRIBAL COUNCIL

Donald McGhee
Chairman
Roseanne Wright
Vice Chairman
Ronald Kirke
Treasurer
Mildred Langdeau
Secretary
Rodney Head
Council Member
Shurlene (Hoxie) Rojas
Council Member
Leonard Pesta, Jr.
Council Member

CONGRESSIONAL TESTIMONY PRESENTED BY
CHAIRMAN DONALD MCGHEE
CROW CREEK SIOUX TRIBE
March 15, 1990

Mr. Chairman and members of the Committee, my name is Don McGhee, Chairman of the Crow Creek Sioux Tribe in Fort Thompson, South Dakota. I appreciate the opportunity to testify to present the requests of the Crow Creek Sioux for funds from the BIA and IHS in Fiscal Year 1991. This is the first time in several years that the Crow Creek have come to ask for special consideration from the Appropriations Committee. We're here today, because we're getting tired of having the BIA cut our funds and shelf our budget requests and think that the only solution is to ask the Congress to specifically direct some assistance to the Tribe.

I would like to thank the Committee for the funds which were provided to build the new Fort Thompson health clinic which is a first rate facility. The new clinic is now in operation and has improved the delivery of health care on the reservation. It is very much appreciated by the people in the Crow Creek Sioux reservation.

The Crow Creek Tribe has a number of unmet needs, but the Tribal Council realizes that the Committee has a limited budget to work with so we are only requesting those items of top priorities to the Tribe. The Tribal Council and staff reviewed our needs and the Council set the priorities that are listed in order of importance to the Tribe in this request.

BACKGROUND INFORMATION ON THE CROW CREEK SIOUX

The Crow Creek Sioux Indian Reservation consists of approximately 280,000 acres in size and lies in central South Dakota along the Missouri River and Big Bend Reservoir. Fort Thompson, the reservation headquarters is located 80 miles southeast of Pierre, the state capital, and is the seat of the tribal government and Federal offices. The reservation has a resident population of 1,228 Indian people.

The Crow Creek Sioux reservation suffers from very high unemployment rate of over 70% and corresponding poverty levels. The Federal government, local schools and the Tribe provide the only sources of employment for our people. Buffalo County, for example, in which the reservation is located, is the second poorest county in the nation. The tribal population also have high rates of alcoholism and other problems related to poverty and unemployment which creates a high demand for tribal programs and services.

I. IRRIGATION CONSTRUCTION REQUEST

The Crow Creek Tribe operates a tribal farm under the direction of a Farm Board comprised of tribal members and representatives from South Dakota State University. Our professional farm manager is a non-Indian, Mr. Alex Huff, who has over 20 years

P. O. BOX 658 • TELEPHONE: (605) 245-2221/2222

experience in agriculture management. The farm is one two tribally owned businesses and sources of non-federal income and employment. It was established in the mid 70's. Last year the farm generated about $80,000 for land leases to the Tribe for 31,00 acres currently under irrigation. By increasing the farm acreage we would be able to increase the economies of scale to increase profits and efficiency. Farm income is utilized for general tribal government functions and for tribal and federal programs.

The farm is irrigated by a pivot irrigation system built in the early 1980's which brings water from the Big Bend reservoir to irrigate the farm acres. The water supply from Big Bend is more than adequate to supply the water and the Tribe benefits from Pick Sloan pumping power for the irrigation system. The problem is that the system is in serious need of rehabilitation and repair. In FY 88, Congress provided about a million in irrigation funds for the benefit of the Lower Brule and Crow Creek Sioux Tribes, but Crow Creek only received $200,000 of this funding which was not adequate to repair the system. The dilapidated irrigation system is causing a huge drain on farm operational budget and as a result the farm is just barely making money. If we can improve the irrigation system, the farm will become a profitable operation.

Earlier this year we requested and received technical assistance funds from the Bureau of Indian Affairs to conduct an engineering analysis of the irrigation system and the cost estimates for rehabilitation and expansion. The Tribe contracted with Mr. Phil Corke to prepare this study which is attached as a support document. We requested that Mr. Corke identify the priority areas which are in immediate need of repair as the first priority.

The study is broken down into two phases: I. rehabilitation of the existing system and II. expansion of the system so as to irrigate currently available acreage to stand protection and to make the best use of the following improvements: repair of three irrigation sites for the intake, pump enclosure, primary pumps, booster pumps, primary electrical, nozzle and pivot replacement, pipeline replacement and administration and engineering. This would result in an additional 1,328 additional irrigated acres of farm production.

In FY 91, we are requesting that the remaining estimated $944,000 for the Crow Creek Sioux Tribe from a three year $1.5 million irrigation program to complete Phase I of the rehabilitation as outlined in the Engineering Report.

PROPOSED TRANSFER OF BIA IRRIGATION TO BUREAU OF RECLAMATION

As a related matter, the Crow Creek Tribe is strongly opposed to the proposed transfer of $27 million of the BIA's Irrigation Dam Safety Program to the Bureau of Reclamation. The Bureau of Reclamation does not enter into "638" contracts with Tribes and they do not subscribe to the principles of trust responsibility. We would urge the Committee not to approve this proposed transfer. There has been no consultation with the Tribes on this idea. If they had consulted, they would have discovered that the Tribes, particularly those in South Dakota do not want this transfer.

II. CROW CREEK RESERVATION RURAL WATER DISTRIBUTION SYSTEM

The Fort Thompson community water system was built in the 1950's by the Corps of Engineers to re-establish of the town of Fort Thompson after the original

community was destroyed by the construction of the Big Bend Reservoir. The system withdraws raw water through a submerged intake located in Lake Sharpe, an impoundment of the Missouri River. The water is pumped to a water treatment plant for filtering, disinfection and fluoridation before being distributed to the community.

The IHS upgraded the water treatment plant in 1987, but since then the community is experiencing water shortages every summer -- in August, we run out of water for several weeks and occasionally a month. This causes severe problems in the community. In addition to the hardship and inconvenience this poses, the Tribe is concerned about the health aspects related to the lack of a reliable community water supply. The IHS thinks that there are substantial leaks in the water distribution system, but we're not sure of the extent of the problem or repair costs.

The Tribe has requested that the Indian Health Service conduct an engineering study to investigate and determine the source of this problem. According to IHS, it is necessary to do a five part study including: 1. evaluate the Fort Thompson intake system, pumping stations and treatment plant; 2. conduct a leak detection study on the entire water distribution system; 3. conduct a hydraulic review of how the three systems relate to identify necessary corrections; 4. inspect the water storage reservoir; and 5. identify what additional service capabilities the water system requires. According to IHS engineers in the Aberdeen Area office, it will require $60,500 to conduct this work.

In FY 91, we are requesting that the Committee direct the Indian Health Service to conduct a comprehensive evaluation of the requirements to repair and expand the Crow Creek rural water distribution system and that the costs for this study be taken from within funds available for IHS Sanitation Construction and Engineering. It would also be helpful to give the IHS a timeframe for completing this study.

III. CROW CREEK SUICIDE PREVENTION TASK FORCE

One of the most troubling problems on the Crow Creek Sioux reservation is the extremely high incidence of suicides and attempted suicides. In the past two years we have experienced an average of 5 suicides per year and an abnormally high rate of attempts. It is not unusual, for example, to have 7 attempts reported each weekend. It is the youth, in particular, who are affected by this problem.

We don't know precisely why this is so, but I think that many of the people who attempt suicide are filled with a sense of despair and hopelessness about the lack of opportunity and the bleak future on the reservation. In that respect, the suicides reflects the fundamental and deeply ingrained problems on the reservation. The Tribe currently is conducting a comprehensive health assessment survey which may help shed some light on this and other health problems.

In response to this problem, a group of local community members formed the Crow Creek Suicide Community Task Force to try and deal with the problem by preventing suicide attempts. In July 1989 the Tribal Council approved a plan presented by the Task Force to combat the suicide problem on the reservation. The group has worked with the Indian Health Service and the local schools to develop a Speaker's Bureau and form a community support group for families of suicide victims. While we do have an IHS Social Worker on the reservation, this individual is "burnt

out" and cannot cope with the constant crises which arise as a result of actual or attempted suicides.

The Task Force has identified several strategies which would be helpful: a Suicide hotline; crises counseling; a bereavement counseling program; work with the schools and public to provide education and community support groups; and specialized technical assistance and training to identify strategies for dealing with the problem. What we need is some professional assistance to identify solutions. Therfore we request that the Committee direct the IHS to provide traning and technical assistance to the Tribe, Suicide Task Force and the schools to develop intervention prevention strategies to combat the suicide problem on our reservation.

IV. REQUEST FOR TRICAPP

As the Committee is aware, the Interior and Insular Affairs Committee recommended that $500,000 be provided in FY 91 for the BIA Agriculture budget to fund the administration of an Agriculture Initiative known as TRICAPP. The Crow Creek Sioux Tribe is one of five tribes that developed this program which will enable the Tribes to establish tribal and individually owned cattle herds on the reservation for economic development and self sufficiency. Congressman Tim Johnson is going to introduce a bill to establish a TRICAPP Demonstration project which we are optomistic will be passed this year. The requested funding would assist the Tribes in establishing the program and we urge the Committee to provide these funds.

SUPPORT FOR NATIVE AMERICAN FISH AND WILDLIFE SOCIETY

The Crow Creek Sioux Tribe also supports the request submitted by the Native American Fish and Wildlife Society for a $6.2 million increase to the BIA budget for tribal fish and game management programs and projects. This increase is drastically needed because the BIA has been cutting back on funding of tribal programs and doesn't have enough funds to meet the need. I think the Committee would be doing a valuable service to all the Tribes by increasing this budget so we would all have a better chance of getting our fish and game programs and projects funded.

We also support the Society's request for an increase of $100,000 to the budget for the Society. This year, the Executive Director of the Society, Mr. Dewey Schwalenberg came out to our reservation and met with out Tribal Council and Wildlife program staff to help us design a Wildlife Management Program. Based on that technical assistance, we have applied to the Administration for Native Americans to develop a program and we think our project will be funded. If it is, we will be requesting additional assistance from the Society. I think there is a real need to get this kind of help out to the Tribes through the Society.

SUMMARY

In conclusion, thank you for giving the Crow Creek Sioux Tribe the opportunity to testify. We hope that our requests can be favorably considered by the Committee as these areas are of critical importance to the Crow Creek Sioux people.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

DONOVAN ARCHAMBAULT, CHAIRMAN, FT. BELKNAP COMMUNITY COUNCIL

Mr. ATKINS. Fort Belknap Community Council?

Mr. ARCHAMBAULT. Thank you, Mr. Atkins. My name is Donovan Archambault. I'm the chairman of the Fort Belknap Assiniboine and Gros Ventre Tribes in Montana. You do not have my testimony. However, it will be distributed possibly early next week.

Mr. ATKINS. That would be great. If we get it then we can insert it into the record.

Mr. ARCHAMBAULT. I would like to highlight some of the things that are in there today and especially thank the Appropriations Committee for the assistance they have given the tribe in the past in the areas of irrigation. We've got a substantial appropriation in that area.

The concerns that I have are basically with the funding process by which the Bureau requests money for tribes. Currently, the Bureau is requesting $2.1 million for our reservation. That nowhere near meets the need of what our tribe's needs are. We're requesting that—and it will be in our testimony—that those funding levels be increased to a total of $24 million. I know Wayne Ducheneaux took all the other money, but I want what he didn't take. [Laughter.]

Mr. ATKINS. He took the other money and then some.

Mr. ARCHAMBAULT. Well, that's why I asked for a little bit less. Anyway, I think both houses of the Congress are well aware of what the process is and the shortfalls that exist. I would just like to reemphasize the fact that neither the Bureau nor the Indian Health Service, who are supposed to be our trustees, are really doing justice to the needs of the people themselves. So I appreciate the concerns that the committee itself has and would hope that, by the testimony of all of the tribal people that come in here, we could help in getting a higher appropriation.

I strongly oppose, as a chairman and by council resolution, the transfer of irrigation dollars and the whole irrigation project to the Bureau of Reclamation. We are looking at other areas that we think will impact the unemployment, the alcoholism, and all of those kinds of things, through economic development. That is another area, I think, that the Bureau and the funding agencies fall very short of.

I guess what I am telling you today is that besides the irrigation project we would like to have a reinstatement of some of the line items that have been cut from the Bureau budget For instance, the CERT program. CERT has done all kinds of things for us in our natural resource area, which supposedly is a trust responsibility of the Bureau, but they have never done any kind of resource inventories for us, and CERT has.

Another area is irrigation itself. We came in here and requested appropriations. We've got them now. Why turn the money over to

the Bureau of Reclamation? I can't see the thinking without any consultation with us. I think we should have some input into that as a tribe and as a government.

Another question is why do we need the area offices? I heard the gentleman from Lummi, or some place up there say that we don't need them. When we need something government to government, we come right here. We come here to the Congressmen, our delegations. It is not to circumvent the process, however. We have tried the process, and it just doesn't work for us. I think the removal of the area offices would be an ideal thing, at least for us at Fort Belknap.

I heard Donnie—the gentleman previous to my testimony—talk about the TRICAPP project. We are strongly in favor of that. We're part of that. I think that is an economic development program. It also is a method of getting more people into the agricultural sector, so we would like to have the support of your committee in the request that we're making to our testimony.

Mr. ATKINS. Okay. Well, we will certainly give that consideration. I know a lot of the other witnesses that we've heard, both today and previously, have shared your concerns about both the BIA and particularly those area offices. Certainly it is something that we're getting from all parts of the country.

Mr. ARCHAMBAULT. You know, I think the whole funding process has to be changed. I think it has to come from us. The guys that sit in the area office, and the guys that sit in the central office, are far removed from the reality——

Mr. ATKINS. Some but not enough.

Mr. ARCHAMBAULT. They are far removed from reality out there, and they are more interested in getting furniture, paying for Federal employees retirement services, which are—they tell us, "You've got a $50,000 increase in your law and order budget," but $25,000 of that is Federal employee services. That doesn't really impact us. In fact, it hurts us.

Those are my concerns, Mr. Chairman.

Mr. ATKINS. Thank you very much.

Mr. ARCHAMBAULT. Thank you.

[The prepared statement of Mr. Archambault follows:]

Fort Belknap Community Council

(406) 353-2205
R.R. 1 Box 66
Fort Belknap Agency
Harlem, Montana 59526

March 27, 1990

PREPARED STATEMENT OF CHAIRMAN DONAVAN ARCHAMBAULT
BEFORE THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE
March 22, 1990

Mr. Chairman and members of the Committee, my name is Donavan Archambault, Chairman of the Fort Belknap Community Council which represents the Gros Ventre and Assiniboine Tribes in Montana. Thank you for the opportunity to provide testimony to the Committee about the Tribe's social and economic needs for BIA and IHS funding. First, I would like to thank the Committee for the assistance you have directed to Fort Belknap in the past. Due to your interest and support, we have been able to undertake several projects which would have not otherwise been possible.

GENERAL FUNDING NEEDS AT FORT BELKNAP

After my recent election as Tribal Chairman, I asked the Fort Belknap program directors to identify the unmet needs for programs and services on the reservation. The Fort Belknap Tribal membership is 4,904 with 2,477 Tribal members residing on the reservation which has a land base of 625,000 acres. We experience a high level of unemployment, poverty and socio-economic problems which creates a critical need for federal assistance. Attached to my testimony is a summary of the requirements for new funding for Federal and Tribal "638" programs on the Fort Belknap Indian Reservation which totals $26.9 million. This is the amount required to enable us to comply with the laws passed by Congress to establish these programs.

Although this amount is no doubt beyond the Committee's ability to direct limited funding to Fort Belknap, we feel that it is important to provide the Committee with information about what is required to address the needs of our people. I'm certain that neither the BIA nor IHS requested this level of funding for our reservation, because traditionally those budgets do not reflect Tribal needs or priorities and reduce the Tribe/agency budgets. Further, the BIA operates off of a base line budget which does not reflect increased costs necessary for population and service

increases. As you may know, Senator Inouye, Chairman of the Senate Select Committee on Indian Affairs has requested a GAO Study on the use of BIA funds and according to the preliminary report only 25% of the funds Congress allocated to the BIA actually goes to the tribal level of which one-fifth is absorbed by Area Office Administration. The allocation of BIA funding between Tribal and BIA programs has to be re-aligned so that more funds are spent at the reservation level providing direct services and we encourage the Committee to work towards this objective.

TRIBAL ACCOMPLISHMENTS AND PROJECTS

The Fort Belknap Community Council has made progress on several fronts due to Congressional assistance which demonstrates that the Tribe has the capability to administer programs effectively if we have adequate funding and support. Following is a list of our major accomplishments in the past few years:

In the past fifteen years, the Tribe has built over 508 family houses to house 68% of our membership, however, there is a critical need to secure additional housing units. We urge the Committee will provide adequate funding for the IHS sanitation account for new housing, water and sewer facilities.

The Tribe maintains and owns 96% of its original trust lands provided through the Treaty of 1889. The Tribe and BIA have tremendous land management responsibilities, particularly for agriculture and ranching operations. The only form of economic development on the Reservation is ranching and farming by Tribal members and a Tribal farming/ranching operation which generates income for the Tribe. We urge the Committee to provide increases for BIA land and range management and agriculture programs.

The Hays Community on our reservation has a new elementary and secondary school serving 202 students in a modern and efficient facility, however, there is a continued need to obtain increases for Indian education, particularly to keep pace with inflation and new program requirements.

We have established the Fort Belknap Community College serving 132 students, and therefore urge the Committee to continue providing needed increases necessary for Tribally controlled community colleges.

Together with the Rocky Boy's Tribe, we purchased the "Big Bud" Joint Venture Manufacturing Project (heavy industrial and agricultural tractors) located

off-reservation in Havre, Montana. Each Tribe has 15 Tribal members employed in this enterprise. With appropriate training assistance, within two years the operation could be fully under Indian management and begin generating income and profits to the Tribes

SPECIFIC FY-91 APPROPRIATIONS REQUESTS

We are requesting the Committees support for the following priorities for the Fort Belknap Tribe for FY-91:

1. Training funds for the "Big Bud" Enterprise

Request: An earmark of $75,000 to provide training stipends and support for the "Big Bud" Enterprise. We suggest that these funds be provided from either the BIA Economic Development Grant fund or from Adult Vocational Training Funds. The Tribe has a commitment from ANA to match any funds which the BIA would provide, but without a BIA match, the ANA funds cannot be provided.

Justification: The training funds would support the training of an Indian management team to assume operation and management of "Big Bud" to qualify for Indian preference contracting.

2. Increase in Loan Authority for Tribal Revolving Credit Program:

Request: Direct the BIA to provide the Tribe with a $2 million loan increase for the Tribal Revolving Credit Program.

Justification: The Fort Belknap Tribe operates a Tribal Revolving Credit program to provide loans to Tribal members, primarily for agricultural and ranching operations. This program is supported by BIA direct loan which the Tribe secures from the BIA and re-lends to Tribal members at a slightly higher interest rate to cover the program administration. The Tribe has an excellent track record with this program, but current funds are inadequate to meet the need. For example, the FmH Administration and other lending agencies have cut off over 50 individual ranch operators on the Reservation who have no other credit source than the Tribe. Increasing our basic loan fund for the Revolving Loan will enable the Tribe to provide loans to these operators and also to support other types of economic development on the Reservation. This request would not require any outlays in FY-91, since we are requesting only an increase in loan authority for an existing program.

3. Land Acquisition: Request $1 Million from the BIA for Tribal Land Acquisition.

Justification: Maintaining the Tribal Land Base is the number one priority to the Tribe and we have established a Tribal Land Acquisition Program to purchase Tribal allotments which are in jeopardy of being lost by sale to non-Indians. Currently, we have $1.7 million in pending sales from Tribal members who have applied to sell their allotments to the Tribe. The Tribe doesn't have funding to purchase these lands, which will otherwise be sold into fee patent. The Tribe has a good track record with FmHA for our Land Acquisition Program, but this program is not sufficient to cover our land acquisition needs. The funding will enable the Tribe to purchase 9,000 acres of prime agricultural lands. 8000 acres will be used for grazing, and 1000 acres for farm lease. The proceeds from the lease of this land will go back into Land Acquisition.

4. Alcoholism Staff for Tribal Health Program

Request: From within any staff increases provided for IHS, we request that the Committee direct that at least one staff position be provided to Fort Belknap for an Alcoholism Treatment Counselor.

Justification: Alcoholism is a significant health problem at Fort Belknap and we find that effective treatment requires an effective combination of in-patient treatment and community aftercare. At present levels, the Tribal Health Program does not have funds to employ an aftercare counselor. Aftercare is the most critical element of alcohol treatment because individuals returning to the Reservation after treatment, where alcohol abuse is the norm. These people need effective support to maintain sobriety. The addition of an aftercare counselor to our staff will support AA groups, counseling sessions and other activities for Tribal members returning from treatment or for those who enter out-patient community treatment programs.

5. Community Fire Protection:

Request: A permanent addition of $78,000 to establish a Community Fire Protection Program within the Fort Belknap base budget.

Justification: The Fort Belknap Reservation is without the capability to provide fire protection and suppression services for the community. Although the Bureau of Indian Affairs provides fire protection and suppression for rangeland fires, such services and equipment are not available for residential or commercial buildings and the incorporated town of Harlem does not provide services on the Reservation. The program will enable the Tribe to establish the capability to provide fire protection on the Reservation.

OTHER PROGRAMS SUPPORTED BY THE TRIBE

The Tribal Council also supports the following areas which are beneficial to the Fort Belknap Tribe:

We support the request of the Native American Fish & Wildlife Society for an increase of $6.3 million in the BIA Fish, Game and Parks line-item for Tribal Management Programs and specific projects. We also support the Society's request for an increase of $100,000 in their operating budget. Fort Belknap is a member Tribe and we believe the organization does a good job of providing technical assistance and advocacy for Tribal Fish and Game Wildlife Management.

We strongly oppose the proposed transfer of the BIA Dam Safety and Indian Irrigation programs to the Bureau of Reclamation. This was developed without any consultation with tribes which will be affected. The Bureau of Reclamation does not practice "638" contracts, and in the past have favored the interests of non-Indian water users and irrigators over that of the Indian irrigators and Tribes.

We support the recommendation of the Interior and Insular Affairs Committee to increase the BIA Agriculture Budget by $500,000 to provide administrative costs for an agricultural initiative known as TRICAPP. This is a program to re-establish the cattle business on Indian reservations on a pilot project basis. Fort Belknap is one of the participating Tribes.

We support the request of the Council of Energy Resource Tribes to restore $250,000 for CERT which was deleted from the FY-91 budget request.

SUMMARY

Thank-you, Mr. Chairman and members of the Committee for the opportunity to provide this testimony for your consideration. We realize that you have many requests before you and therefore we will deeply appreciate any consideration which the committee can give to our requests.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

TONY ZECCA, POLICE CHIEF, MICCOSUKEE TRIBE

Mr. ATKINS. Miccosukee Tribe.

Mr. ZECCA. Congressman and Members of the Committee, it is an honor to present testimony here today on behalf of the tribe.

Chairman Billy Cypress unfortunately couldn't be here himself, so he sent me here on his behalf.

My name is Tony Zecca. I'm the police chief of the Miccosukee Tribe of Indians. I have been so for the past 13 years. I have a total of 33 years in law enforcement.

I think that the tribe's statement, which I believe you have, touches on all of their concerns. The concerns address the Alligator Alley reservation, which is a new reservation that was taken into Federal trust in 1984. At the present time, the tribe lives on what they call the Tamiami reservation, which is on U.S. 41.

I believe at this time it is the tribe's position that they have exhausted all the areas available for housing, for any kind of social improvement, and any kind of economic adventure they may get into. These are sensitive lands. The park is trying to acquire more lands. I believe Congress has already approved it. It is going to make it more and more difficult for them to build houses there. Consequently, they are looking at the Alligator Alley reservation as their prime location to expand.

The tribe asked me to thank the committee for the $100,000 we got last year for law enforcement up there and the $202,000 that was allocated for the water resources program. The $100,000 provided for two police officers, a four-wheel drive vehicle, and some minor equipment.

The tribe is using a trailer as a temporary substation. However, two police officers are going to cover only 80 hours a week. If you consider court time and other time, it is going to be a lot shorter than that. We need a 24-hour, 7-day a week operation up there.

The tribe has 1,200 non-Indians who utilize the camp system on the Alligator Alley. They are not without problems.

Mr. ATKINS. These are people——

Mr. ZECCA. Who have had camps prior to the land being put in Federal trust. The tribe, rather than throw them off the reservation, now collects a fee for them keeping their camps there. They allow them to hunt. They allow them to frog and to fish. They have regulations governing that.

However, without law enforcement it is an impossible task. Both reservations, especially the Alligator Alley reservation, is close to the Miami-Ft. Lauderdale area. It is approximately 40 miles away. That is a main artery for all the drug traffic. We have reason to believe that that is a serious consideration.

The tribe operates a plaza. The plaza has experienced all kinds of problems up there from rapes to homicides to armed trespass. They hire private security guards on the weekends to cover the area.

Rather than go through each individual—the four items that the tribe has here listed, one is law enforcement. The second is to establish a central water supply system for the Alligator Alley reservation. The third is to address the critical housing needs for the people, and to maintain water quality, and expand wildlife management program.

I think the testimony speaks for itself rather than read it. I'm sure that you'll review it and give it good consideration.

Mr. ATKINS. Thank you very much. We will look through this very closely. We appreciate your comments on the law enforcement money you received last year.

Mr. ATKINS. That is the end of our morning witnesses. The committee will stand in recess until 1:30.

[The prepared statement of Mr. Cypress as submitted by Mr. Zecca follows:]

Miccosukee Tribe of Indians
of Florida

P.O. BOX 440021 TAMIAMI STA. MIAMI, FLORIDA 33144
TELEPHONE 305 223-8380

COUNCIL
BUSINESS & GENERAL

BILLY CYPRESS
CHAIRMAN

JASPER NELSON
ASST. CHAIRMAN

JIMMIE BERT
SECRETARY

BETTY H. OSCEOLA
TREASURER

HENRY BERT
LAWMAKER

Prepared Testimony

of the

Miccosukee Tribe

Presented By:

Police Chief Tony Zecca

On Behalf Of:
Chairman Billy Cypress

Before the U.S. Congress
House of Representatives
Interior Appropriations Sub-Committee

March 15, 1990

CONSTITUTION APPROVED BY SECRETARY OF THE INTERIOR JANUARY 11, 1962

Chairman Yates, members of the Committee, it is an honor to present testimony on behalf of the Miccosukee Tribe of Florida. Tribal Chairman Billy Cypress regrets previous commitments prevented him from personally delivering testimony. My name is Tony Zecca, Chief of Police for the Miccosukee Tribal Police Department for the past 13 years.

First, the Tribe would like to thank the Committee for the additional funding received last year. With the $100,000 allocated to our Law Enforcement program for the Alligator Alley Reservation, we were able to start up a limited services police sub-station with the hiring of two police officers, purchase of a 4-wheel drive vehicle and all supporting equipment. The $202,000 allocated for the Water Resources program enabled the Tribe to complete a ground water resources assessment, obtain aerial photographs of the entire Reservation, hire start-up staff and develop a set of plans for a Surface Water Management System for the Alligator Alley Reservation. We are very pleased the Bureau of Indian Affairs followed the Committee's directive to include these amounts in the FY'91 budget request.

The Miccosukee Tribe of Indians of Florida, organized pursuant to the provisions of the Indian Reorganization Act of June 18, 1934, has been legally established as a sovereign nation since January 11, 1962. Since we are a relatively new tribe, we find our base budget requirements have not been adequately addressed by the Bureau of Indian Affairs. The Tribe counts an enrolled membership of 378 and over 550 persons within the service area.

The Reservation consists of some 264,150 acres of mostly wetlands, with some uplands, in western Dade and Broward counties. The Reservation can be divided into two distinct areas. The primary reservation is located 40 miles west of downtown Miami on U.S. 41 (Tamiami Trail) and is the site of all Tribal operations as well as being the central population residential area. The Alligator Alley Reservation, located approximately 40 miles west of the Ft. Lauderdale area on Interstate 75 (Alligator Alley), is the site of the Miccosukee Service Plaza and Police Sub-station.

Since becoming federalized in 1984, the Alligator Alley Reservation has become the future site for both economic and residential development. However, it is without any infrastructural base other than the single-phase electrical power received through an agreement with the Florida Department of Transportation in May 1987. Even normal telephone service granted throughout the state of Florida is not available. Southern Bell is willing to service the area but the Department of Transportation, both state and federal, has not granted them a right-of-way on I-75 from Ft. Lauderdale to the Alligator Alley Reservation. Therefore, cellular telephone service is our only option but the costs are much greater than regular service rates. Before we can begin any significant project, residential or in economic development, we must develop an infrastructural base.

Like most tribes, the Miccosukee Tribe has unmet needs in most program areas. In recognition of the limited funds available to the Committee, we are bringing to your attention only our most pressing needs. In order by priority as determined by the Tribal Business Council, the needs are as follows: 1. develop an adequate law enforcement program; 2. establish a central water supply system for the Alligator Alley Reservation, which is currently without service; 3. address the critical housing needs of our people; and, 4. maintain water quality and expand the wildlife management program.

1. LAW ENFORCEMENT

As previously stated, the Tribe has established a police sub-station on the Alligator Alley Reservation at Snake Road and I-75. However, the current funding allows the sub-station to be operated on a limited basis, i.e. only 80 hours of police patrol and law enforcement service provided each week. Court time, illness, annual and compensatory leave would affect the officers available patrol time. The sub-station would remain unattended 88 hours per week; leaving the facility housing firearms, records, equipment, etc. unattended for long periods of time. This is neither a good practice nor in the best interests of the Tribe but present level of funding leaves no alternative. The Reservation is in an area where the State Department of Transportation estimates the daily traffic flow to reach 15,000 cars per day by 1990 but no other law enforcement is available except on a periodic patrol basis by the Florida Highway Patrol. Although the congressional add-on of $100,000 is to become a part of our base funding and will greatly enhance the capability of our police department, we still cannot provide what is truly needed in this well-traveled but desolate area.

REQUEST: The Miccosukee Tribe requests an addition of $150,000 to our permanent base Law and Order budget to hire five officers and cover related costs in order to provide 24-hour, seven days per week police coverage.

2. INFRASTRUCTURAL DEVELOPMENT

Also related to the Alligator Alley Reservation, the Tribe is in dire need of infrastructure development; most immediately, a central water supply system. What will be required is to establish and maintain water and sanitation facilities which could support approximately 40 private homes and a variety of commercial ventures (Service Plaza/Restaurant, RV park, office building, etc.). The estimated capacity of the system is based on a connection population of 200, normal per capita water use of 100-150 gallons per day; adding commercial would increase usage to 350-400 gallons per day. A 100,000 gallon tank would allow for expansion. We would need a centrally located well field with supporting equipment such as a water tower, pumps, distribution lines, etc. Without this water supply, the Tribe's economic and residential development would be stifled.

REQUEST: We request $1,000,000 from Indian Health Service Sanitation Facility account to build a rural water distribution system on the Alligator Alley Reservation.

3. HOUSING

Another critical area of need is housing. According to the 1989 BIA Annual Housing Inventory, the Miccosukee Tribe has 144 families in need of housing. The complex nature of the land upon which the majority of the population resides, e.g. being within the Everglades National Park and, residence being open only to Indian people, makes it difficult to utilize funding sources other than BIA-HIP. Based upon the allocations received in previous years, we can only build one house per year. We utilize a very conservative construction cost estimate of $50,000 per house. It should be noted that due to the land base upon which we would have to build, $7,000-10,000 per home site is required just for the fill.

REQUEST: We request that $2,000,000 be made available to the Miccosukee from BIA/HIP program to build 40 houses on the Miccosukee Reservation which would satisfy the "critical need cases," those individuals not currently residing in conventional housing.

4. WATER RESOURCES AND WILDLIFE MANAGEMENT

The last area of concern is water resources and wildlife management needs. In the 1988 funding cycle, Water Resources Management received an allocation which enabled the Tribe to develop a set of plans for a Surface Water Management System for the Alligator Alley Reservation. The Surface Water Management System will allow the Tribe to increase their cattle grazing capacity by 35% on 12,000 acres of the Federal Alligator Alley Reservation. Cattle grazing leases is one of few non-federal sources of funding for the Tribe. The income generated through the leases is utilized to benefit all members of the Miccosukee community. More importantly, implementation of the plan will enable the Tribe to meet the objectives of the Surface Water Improvement Management plan for the Everglades, initiated by the state of Florida. The maintenance of water quality standards will be accomplished through retention-detention systems. The plans call for 93,453 cubic yards of excavation, 9 culverts with flashboard risers and one pumping station.

REQUEST: The Tribe requests a one-time appropriation of $450,000 to implement the Surface Water Management System to increase cattle grazing capacity and maintain water quality standards.

Fish and Wildlife Resources Management has been under-funded since its implementation. The current allocation ($10,100) only covers on-third time for a Wildlife Biologist. Police enforcement support has been on as need basis with the Tribal Police Department but their availability is affected by the limited number of officers

available. The Tribe has a viable Camp Permit System with over 1,200 non-Indians participating on the Federal Alligator Alley Reservation. The camp permitees are allowed to fish, frog and hunt according to tribal regulations. In order to properly manage this program, a full-time Wildlife Biologist, with administrative support, and two properly equipped Fish and Wildlife Officers are needed.

REQUEST: We request a $163,000 permanent addition to the base budget of the Miccosukee Fish and Wildlife program to properly staff and manage the wildlife resources on the Miccosukee reservation.

Thank you very much for affording me the opportunity to address the Committee on the critical needs of the Miccosukee Tribe of Indians of Florida.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

JAMES ZORN, GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

Mr. ATKINS. The Committee will come to order.

The first witness is the Great Lakes Indian Fish and Wildlife Commission, James Schlender.

Let me just suggest for all the witnesses, we have a very extensive witness list for this afternoon. We are going to keep rigidly to the five-minute time limitation. I'll just advise everybody that your written testimony will be put in the record in full. If you could just summarize from your testimony, and please keep to the five-minute limit.

Mr. ZORN. Thank you, Mr. Chairman. Thank you for the opportunity to testify today. Our executive administrator, James Schlender, is stuck somewhere in connecting flight land, so he is unable to be here right now.

The purpose of the Great Lakes Indian Fish & Wildlife Commission is to protect treaty-guaranteed rights to hunt, fish, and gather in inland territories within the States of Michigan, Wisconsin, and Minnesota, on lands ceded by the Chippewa Tribes to the United States Government in various treaties.

The Commission is essentially like a State natural resources agency and provides biological management services, enforcement services, and public information.

I'd like to stress that every element of the Commission's appropriation request this year will help enhance its constructive influence on key resource issues in what has turned out to be a rather volatile situation in Wisconsin and some of the other States involving treaty rights. Perhaps you have heard of some of those.

Our request this year is for about $3.142 million. That is an increase of approximately $448,000 above our current base. Our main concern, however, is with the Administration's continual disregard of Congressional earmarks which this and the Senate Committees have given us in the past. For three years running now our base budget has been $2.654 million. This year the bureau is proposing a 23 percent reduction. Obviously, our key objective is to get restoration to our base, and then, of course, once you've faced that situation, you expend a lot of energy getting back to the base, and you're unable to get additional money to meet additional needs as they come up. That is our initial concern.

The additional money we are seeking this year is essentially to increase biological services, so that we can continue a sensible conservation-minded approach to treaty rights issues in the Great Lakes area.

There is one matter that we'd like to bring to the Committee's attention. This is in the BIA's line item unresolved hunting and fishing rights. We would like to see that increased by $100,000, with an earmark for our member tribes for the 1837 and 1842 ceded territories. It is one way that we can help ease the burden of bureau litigation support funds.

As I indicated, for the past two years the Committee has restated its commitment to the base funding that we had received three years ago, and we would ask that you do the same thing this year as well as to increase the funding to meet additional needs.

Thank you.

Mr. ATKINS. Thank you very much. We greatly appreciate that, and we will review all of your materials. We have your full testimony and your backup materials.

Mr. ZORN. Thank you.

Mr. ATKINS. Thank you.

[The prepared statement of Mr. Schlender as submitted by Mr. Zorn follows:]

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION
P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

• MEMBER TRIBES •

MICHIGAN
Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN
Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA
Boise Forte Band
Fond du Lac Band
Grand Portage Band
Mille Lacs Band

Mr. Chairman, Members of the Committee, my name is James H. Schlender and I am the Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (Commission). On behalf of our thirteen member tribal governments, I would like to thank you for the opportunity to appear before you regarding the Bureau of Indian Affairs Fiscal Year 1991 Appropriation request.

The Commission's purpose is to protect treaty-guaranteed rights to hunt, fish, trap, and gather in the inland territories ceded under the Chippewa Treaties of 1837 and 1842; to protect treaty-guaranteed fishing rights on the Great Lakes; and to provide co-management of those resources.

There has been considerable controversy over exercise of treaty-reserved hunting, fishing, and gathering rights in northern Wisconsin, and growing controversy elsewhere. The Commission, with its staff of professional biologists and conservation wardens, has been a constructive force during this controversy through its work to protect the region's natural resources. Every element of the Commission's appropriation's request this year will enhance its constructive influence on key resource issues, including maintenance of fish stocks, timber resources, and wild rice management. Support for the Commission's funding requests means support for a sensible, conservation-minded approach to treaty rights issues in the Great Lakes.

30-252 1148

The Commission would first like to draw your attention to the fact that the Administration is seeking to reduce the Commission's FY 1991 budget by 23% (i.e. $621,000). Congress has affirmed our need for these funds for three years but the Administration - with no justification, stated or unstated - persists in trying to cut them. This position is an insult to Congress and highly frustrating to the Commission.

Most of the decrease would come from the areas of Conservation Enforcement, Tribal Courts, and Tribal Registration Stations which have been specifically authorized for congressional funding increases in the past. The Commission is requesting that Congress restore the $621,000 cut by the Administration and that these and any future funding earmarks be made part of the Commission's FY 1992 BIA funding base.

In addition to maintaining our existing funding level, the Commission is requesting an additional funding increase of $488,125 prioritized as follows: a $337,037 increase for expansion of biological surveys required under Federal Court Orders and expansion of services for the recently Federally recognized Lac Vieux Desert tribal government; a $124,000 increase for expansion of Lake Superior fish stock assessments; and a $26,233 increase to regulate exercise of hunting rights in the 1837 ceded territory of Minnesota by Mille Lacs tribal members.

(7)

30-252 O—90——19

Under the rulings of Lac Courte Oreilles, et. al. v. State of Wisconsin, et. al., (Voigt Litigation) Wisconsin member tribes may regulate tribal off-reservation hunting, fishing, and gathering activities provided such regulation protects the natural resources. Without the availability of objective, scientific information it will be extremely difficult to expand co-management efforts with the State and minimize user group conflicts. It is for this reason the Commission is requesting an additional $337,037 to expand biological assessments and service the newly recognized Lac Vieux Desert Tribal Government.

Walleye populations vary naturally and require current, reliable data to maintain self-sustaining stocks on over 600 lakes within the 1837 and 1842 ceded territories. Given the management responsibilities defined by Federal Courts, the biological characteristics of the species, and the vast distribution of the resource, the Commission formally requests additional funding to expand inland fisheries assessments in the 1837 and 1842 ceded territory of Wisconsin.

The Commission is proposing to expand monitoring of tribal wild rice harvests to meet requirements established by federal court order, and staff a professional forester to insure harvests by tribal members are done in compliance with applicable Forest Management Plans.

The Commission is also requesting $124,855 to conduct spring lake trout assessments, summer juvenile recruitment surveys, and fall spawning assessments on Lake Superior. These fishery assessments provide information to tribes monitoring biological impacts of treaty fishing and facilitate tribal participation in co-managing Lake Superior's fishery resource through the Great Lakes Fishery Commission for the benefit of both tribal and sport user groups.

The Commission's funding increase request of $26,233 would expand conservation enforcement for Mille Lacs tribal members exercising treaty rights in the 1842 and 1837 ceded territories by way of negotiated off-reservation hunting agreements with the U.S. Fish and Wildlife Service applicable to the Sherburne Wildlife Refuge and migratory waterfowl.

I would like to conclude my remarks by directing your attention for the need to increase the BIA's Unresolved Hunting and Fishing Rights line item with a $100,000 earmark for future litigation regarding Chippewa usufructuary rights in the 1837 and 1842 ceded territories. It is imperative that an efficient mechanism be available to access funds given the tribes are litigating this case, not the United States Federal Government. Furthermore Wisconsin Governor Thompson's recently requested $795,000 from the State Legislature for outside legal experts to appeal the legal gains realized by the Chippewa Bands of Wisconsin.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

FAITH McGRUTHER, EXECUTIVE DIRECTOR, CHIPPEWA OTTAWA MANAGEMENT AUTHORITY

Mr. ATKINS. Chippewa Ottawa Management Authority, Faith McGruther.

Ms. MCGRUTHER. Good afternoon. I want to thank you for allowing me to appear before you today. My name is Faith McGruther. I am the executive director of the Chippewa Ottawa Treaty Fishery Management Authority.

The Management Authority represents three fishing tribes in the treaty of 1836 in Michigan: the Sault Ste. Marie Tribe of Chippewa Indians, the Bay Mills Indian community, and the Grand Traverse Band of Ottawa and Chippewa Indians.

On behalf of those three tribes, I would like to thank you for the add-on to our base for last year, the fiscal year 1990 budget.

I'm appearing before you today to request $400,000 in funds for the management authority. The first of that money would be $250,000 restored to the management authority for marketing implementation funds. This was part of the agreement for the funds we did receive last year, and this was late in coming. It was part of the 1985 agreement, and we just got it in the 1990 budget.

As part of the agreement, we had a marketing study done, which addressed traditional and non-traditional species. The money that has been received will be directed towards the traditional species, and this will assist in increasing the value to the fishermen.

The money that we are seeking now would be for looking at non-traditional markets, specialized products such as smoked fish and new markets across the country.

The second area is $65,000 in access site development money. This we would like added to our base budget. This has been an ongoing problem since the consent agreement in 1985, and we have been working cooperatively with the State and local units of Government to develop existing sites, and these funds would help us to develop these sites and maintain sites. These sites would be open to all user groups, not just tribal commercial fishermen.

The third area is $85,000 in an environmental science component. As you are aware, environmental issues are a very serious threat to the Great Lakes and to treaty fishermen. This would allow us to fully participate in committees, such as the Great Lakes Fish Commission and other such committees, and would give us the technical capabilities to work with these different environmental scientists that are already on board. Contaminants in the fish are a serious threat to our fishermen.

Thank you again. Do you have any questions?

Mr. ATKINS. I thank you. I don't. We look forward to reviewing your work. Of course, this Committee has for some time been concerned about deterioration of environmental quality in the Great Lakes, and we look forward to your aggressive efforts in that area.

Ms. MCGRUTHER. Thank you.

[The prepared statement of Ms. McGruther follows:]

Chippewa-Ottawa Treaty Fishery Management Authority

Albert (Big Abe) LeBlanc Building
186 East Three Mile Road
Sault Ste. Marie, MI 49783
(906) 632-0043

TESTIMONY OF

FAITH McGRUTHER

EXECUTIVE DIRECTOR

CHIPPEWA/OTTAWA TREATY FISHERY MANAGEMENT AUTHORITY

Before the

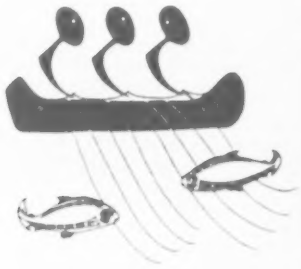
HOUSE APPROPRIATIONS COMMITTEE

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

On the

FY '91 BIA/IHS BUDGET

March 15, 1990



Mr. Chairman, members of the subcommittee:

I am Faith McGruther, Executive Director of the Chippewa/Ottawa Treaty Fishery Management Authority (the Management Authority). Thank you for allowing me the time to appear before you to outline our appropriation needs.

The Management Authority is the policymaking and regulatory body created and governed by the three Michigan tribes which share treaty fishing rights in the Great Lakes waters under the Treaty of March 28, 1836. These tribes are the Sault Ste. Marie Tribe of Chippewa Indians, the Bay Mills Indian Community, and the Grand Traverse Band of Ottawas and Chippewas. The Management Authority offices are located in Sault Ste. Marie, Michigan.

The Management Authority has five components: administration, biological services, conservation enforcement, conservation courts, and information and education. Only the administration component is performed by the Management Authority itself. The Management Authority receives only $152,000, or around 10% of the total budget, for administration of the contract. The remaining components are contracted by the tribes, which receive the funds directly.

The treaty area involves a major portion of the Upper Great Lakes: 17,000 square miles of eastern Lake Superior and northern Lakes Huron and Michigan. The area is a uniquely valuable ecosystem, a national treasure of abiding value. It also represents an important economic opportunity for the tribes, and the single most important economic pursuit for tribal members. About 300 tribal fishers last year harvested about 7.5 million pounds of fish worth over $35 million to the local economy.

The Management Authority is charged with assuring that the tribes fulfill their responsibilities under a consent order entered in 1985 in the treaty rights litigation, United States v. Michigan. The consent order implements an agreement among the United States, the State of Michigan, the tribes, and a number of user groups representing both sport and commercial fishing interests. It strikes a delicate balance among the interests of those involved and, most importantly, assures protection of the fishery resource.

The agreement is one of the few successful negotiated resolutions to the implementation of treaty rights. As a result of the agreement the state, tribes, tribal fishers and sport fishers are able to share use of the resource amicably, with minimal social friction.

On behalf of the three tribes, I would like to thank the committee for your past support and particularly for the addition to our base budget in FY '90. This year we are asking the committee to restore $250,000 as a one-time add-on in FY '91 to complete the fishery marketing implementation plan. Further, we are requesting a permanent addition to our base of $150,000 for an environmental science component and fishery access development. The Management Authority will operate these new programs on behalf of the three tribes, who are the actual beneficiaries of the programs.

TABLE 1: Funding Comparison, FY '90 - FY '91

FY 90 Funding	FY 91 Admin. Budget	FY 91 Request	Increase
$1,744,000	$1,494,000	$1,894,000	$150,000(8.6%)

TABLE 2: Components of FY '91 request for additions to administration budget.

	FY 90	FY 91 Request
1. Marketing implementation	$250,000	$250,000
2. Environmental science	-0-	85,000
3. Fishery access development	-0-	65,000

1. Fish Marketing Implementation.

Last year the Management Authority finally received $250,000 in funding pledged in the Consent Order for fish marketing implementation. The money was received several years later than envisioned under the 1985 agreement. In the past year the Management Authority has successfully fostered the development of a producers marketing cooperative, the Chippewa/Ottawa Indian Fishermen's Association (COIFA). As COIFA nears the end of its first year of operation it is clearly on its way to substantially exceeding its sales goals. Over 80 treaty fishers -- almost 60% of all eligible fishers -- have joined COIFA, and more are expected to do so because of its success.

COIFA has surpassed expectations and is now ready to take on new challenges. Its marketing efforts have so far been directed only at the traditional commercial markets for the traditional commercial species, primarily whitefish. A market study prepared for the Management Authority has identified three types of opportunities in nontraditional markets as well: 1) product form diversification: "niche" markets, smoked fish, reconstituted products, and the like; 2) new geographical areas, including Europe; and 3) species diversification. The latter opportunity, involving the harvesting of underutilized species, will move the treaty fishery away from sport fish, further reducing the social friction surrounding treaty rights.

We hope to build upon COIFA's success by venturing into the development of these new market opportunities and are requesting the restoration of $250,000 in funding for this year as one-time monies for this purpose. This will enable the Management Authority to complete the original work envisioned in 1985 when the tribes entered into the consent agreement.

2. Environmental Science.

The second area of need is in environmental science. We are acutely aware that the future of our treaty fishery depends upon the continued viability of the Upper Great Lakes as a productive habitat for healthy fish. Fisheries management requires an understanding of numerous environmental issues and problems, such as water quality, fish contamination, effects of habitat disturbance and water levels. Unlike the other intertribal fisheries organizations funded by BIA, however, we currently have no

technical capability in this multi-faceted environmental area, and we sorely need to develop that capability. We are requesting $85,000 in added money to allow us to hire an environmental scientist and to provide for a limited number of fish contaminant analyses. An important function of the position will be the representation of the tribes on various state, federal and international committees with impact on the Upper Great Lakes environment, where each of the other participants already has technical capability in environmental areas.

3. Fishery Access Development.

Finally, we are requesting $65,000 for the development of fishery access sites. We have experienced continuing problems with providing sufficient access to fishing grounds for our treaty fishers. Access is especially important to the treaty fishery for two reasons. First, the agreement zones the fishery, so the treaty fishing opportunity is available only in certain areas. Second, unlike other commercial fisheries the treaty fishery involves a relatively large number of small scale fishers whose boats cannot travel great distances to fishing grounds.

The State of Michigan has recognized this problem of late and has been working with us to resolve it. We have developed a prioritized list of 21 potential sites which we are unable to develop at present, however, due to lack of resources. The amount requested would allow us to develop new access or enhance existing access at around five of the sites per year and to maintain the sites afterward. The work will be done in cooperation with state, federal, local or private site owners, who will contribute half the cost of the site development.

The Management Authority request amounts to an increase of only $150,000 over last year's funding level, which still leaves the Management Authority relatively underfunded in comparison with similar intertribal fisheries agencies. The funding will, however, be of significant help in meeting our responsibilities under the Consent Order, enhancing the economic opportunities of the fishers, and protecting the environment upon which the fishery depends. If the committee would like more detail about this request, we have developed such material and can provide it upon request.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN ~~AFFAIRS~~, INDIAN HEALTH SERVICE

WITNESS

BERNARD BOUSCHOR, TRIBAL CHAIRMAN, SAULT STE. MARIE CHIPPEWA TRIBE

Mr. ATKINS. Sault Ste. Marie Chippewa Tribe.

Mr. BOUSCHOR. Good afternoon. My name is Bernard Bouschor. I'm the chairman of the Sault Ste. Marie Tribe of the Chippewa Indians.

Thank you, Mr. Atkins, for giving us the opportunity to testify before you today.

We are here to seek a basic increase in programs that we deal with in the area of BIA and IHS. Michigan is somewhat unique, and especially the Sault Ste. Marie Tribe, as we are one of the new tribes. We never were afforded the opportunity, as other tribes were, to have base funding for new tribes. Basically we never got any money at the time the tribe was organized which occurred in 1975.

Since that time, we have had to deal with existing programs and dollars that were transferred over from the Great Lakes agency, and we had some educational monies. What we did is we transferred it and reprogrammed it into other BIA programs, such as social services and law enforcement. We were taking it away from the field of education at the time.

Based on tribes of our size, we would estimate from the tribal population statistics we are in excess of 17,000 members in a seven-county service area. In the Upper Peninsula, we have 8,000 members that live and reside and we provide services to. Based on other tribes of similar size, we should be obtaining, or have a base funding of, approximately $2 million. We get a base funding amount from the Bureau of $600,000.

In the area of Indian Health Service for health care delivery services, we have unmet needs of $2.5 million, and we're at a 53 percent deficiency based on population and Indian Health Service criteria used for determining need. Those are the areas that we're dealing with.

To bring us up to parity with the other tribes, we'd need the amount of funding listed. We realize that the committee cannot afford to do that at this time. Through an extensive process of dealing with tribal councils, we have prioritized a number of areas that we felt are important and are basic necessities this year.

Those are, and we'll keep it brief, tribal court, $132,000 approximately, there is some difference there. What we need is a full-time judge, a prosecutor, and support staff. I won't go into details at this time. We'll run some numbers for funding. Social services, $233,000, to provide a minimum social service program from the tribe's standpoint.

Mr. ATKINS. Social services, are they primarily directed in child welfare?

Mr. BOUSCHOR. Right now, we deal with tribal welfare on the reservations, and we deal with some of the community courts for the

purposes of social services and housing issues on the reservation and jurisdictional items.

The problem is that we're dealing with a seven-county area. The distance is over 150 miles. In 1970 or 1975, we had a base funding amount of $53,000 which we took from education to fund the program. In 1990, we still have $53,000 in base funding. It is totally inadequate and has been inadequate for the last 10 or 12 years. We're requesting an increase of four social workers and a director in that program.

In the area of education, again, when we first broke away from the Great Lakes agency, and then established the Michigan agency, we brought over educational scholarship funding based on the number of students that were enrolled at the time. We reprogrammed that back into the basic needed services on reservations. As such, we have been faced with an increasing number of students requesting educational assistance, yet funding was reprogrammed years ago by the tribe. Again, we never had adequate base funding in the area of education. We're asking for $100,000 in the area of scholarships to meet unmet needs.

Our scholarships in 1988 averaged approximately $1,300 per student for the year, yet there were still unmet needs based on the financial needs report that comes back when you send these off to these college entrance programs. We couldn't meet the existing Indian students going to school total need, even with the grant that we had.

In 1990, this year, the basic grant is about $650, and we have individuals that we cannot provide any assistance for attending college. Under this program, there was a cut from 1989 to 1990. Restoration of that amount of funding, plus additional monies and scholarships—the total $100,000, is to be used strictly for scholarship assistance to students attending higher educational institutions.

The other area that we are faced with is the area of health care. For the last few years, we have been coming back requesting additional support on the national level for health care in support of the need for more money for Indian health care on that level. From the standpoint of the Sault Tribe, we're at 53 percent deficiency.

This year, we're requesting, again, support on the national level for the Indian Health Service budget. We're specifically requesting the earmarked 13 staff positions to facilitate expansion of the medical services at our out-patient clinic in the Sault Ste. Marie area. This will meet some of our needs in the area of health care.

There was a whole discussion of health care needs. Our deficiency of 53 percent is based on two factors. One factor is the amount of funding that is available to purchase health services through contract care or through the out-patient clinic. The second factor, when you look at how funding is allocated from the Indian Health Service, is based on when equity funds become available on an allocation process. They call it RAM—resource allocation methodology—based on utilization rate.

To increase the utilization rate requires that you either have the staff or the money to purchase the additional services. The tribe neither has the staff, nor the money to purchase the additional needed services. That is why we are at the 53 percent deficiency,

and we haven't been able to break that system because of the cycle that is occurring. When new money comes down, the allocation treats us as we have always been treated, and we haven't moved up in our deficiency level within the Indian Health Service system.

The last area that we're dealing with is the one-time funding request for $1 million for sanitation funding to assist in a cooperative venture with the City of Sault Ste. Marie. Right now, they are attempting to build a water filtration plant. The population within the city itself of native Americans is between 20 and 25 percent. Our reservation is served by the municipal water supply in the community.

We have been working with the city to look at cooperatively acquiring funds to assist in reducing the cost to the community for building the filtration system. It is required from the EPA that this be completed in 1993. I believe that is the appropriate year. The city and the tribe have worked cooperatively on ventures in the past, and we will continue to do that in the future.

That's a short summary of my testimony.

Mr. ATKINS. Okay. Well, I greatly appreciate that. I know your tribe has done an awful lot of work since 1975. We will review all of your requests. Thank you very much.

Mr. BOUSCHOR. Thank you.

[The prepared statement of Mr. Bouschor follows:]

THE SAULT STE. MARIE TRIBE OF
CHIPPEWA INDIANS
206 GREENOUGH STREET
SAULT STE. MARIE, MICHIGAN
49783
(906) 635-6050

TESTIMONY OF

BERNARD BOUSCHOR

TRIBAL CHAIRMAN

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

Before the

HOUSE APPROPRIATIONS COMMITTEE

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

On the

FY '91 BIA/IHS BUDGET

March 15, 1990

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS BUDGET REQUESTS

Mr. Chairman and Members of the Committee, my name is Bernard Bouschor, Chairman of the Sault Ste. Marie Tribe of Chippewa Indians in Michigan. Thank you for the opportunity to testify today. On behalf of the Tribe, thank you for assistance the Committee provided to us last year. We are pleased that the BIA followed the Committee direction to include these amounts in our base budget for FY 91.

INTRODUCTION

The Sault Ste. Marie Tribe is before the Committee to seek increases for basic programs and services which the BIA and IHS have failed to provide the Tribe to meet our service population needs. Our Tribe faces some unique budgetary problems as a result of our history which I would like to briefly summarize:

The Tribe was recognized in 1975, at a time when there was no process or source of funding for the inclusion of new Tribes within the BIA or IHS budgets to establish basic programs necessary for the exercise of governmental authority and responsibility. The only source available to Sault Ste. Marie was a small educational contract which has been supplemented with small amounts of funds from both agencies from within existing budgets. As a result our base budget for BIA is only $600,000 and our IHS budget leaves an unmet need of 53%. These base budgets are comparable to Tribes which have populations of 1,500 to 2,000. Since recognition, our membership has grown to 17,236 with 8,647 in our service area. This compounds our service delivery costs.

The Sault Ste. Marie Tribe of Chippewa Indians had no land base in 1975. Since then we have established a reservation by purchasing lands at the total expense of the Tribe. The land, now in trust and considered "Indian Country" comprises 600 acres is located in six communities spread out over 150 miles in six counties. Another unique factor is that our tribal headquarters is located within the City of Sault Ste. Marie which has led to some cooperative working relationships between local government and the Tribe which occasionally require matching tribal funds for projects of mutual benefit.

In addition, the Tribe has established over 15 businesses which provides employment and generates tribal income we use to supplement tribal programs and services. In spite of these efforts, however, it is impossible for the Tribe to provide our basic services and exercise our governmental authority without a substantial increase in our base budget.

In order to provide minimum program services, we require a substantial increase to provide us with a base budget comparable to Tribes of similar size: $2 million to our base BIA budget, and $2.5 million for our IHS programs. This would allow provision of essential services and establish some level of funding parity. To the extent that the Committee cannot accommodate the request for a general increase, the Tribal staff conducted a comprehensive analysis of our programs needs and the Tribal Council adopted as priorities the following absolutely essential requests:

BUREAU OF INDIAN AFFAIRS

TRIBAL COURTS

Request: The Tribe requests a permanent increase to the base budget for its Tribal Court Services Contract of $132,565 to add a full-time judge, a full-time prosecutor, and a secretary to the Tribal Court staff, together with training, travel, and occupancy expense to provide minimally adequate administration of justice within the Tribe's jurisdiction.

Justification: The Tribe began its Tribal Court in 1982 by transferring funds from its education programs under the Zero Based Budget system. The Tribal Court Services budget is now $84,000. At this funding level the Tribal Court has only one full-time position, that of clerk magistrate, and a part-time prosecutor. The judges volunteer their part time services and work for the Tribe in other capacities. With these limited Court resources, the Tribe has had to severely limit its exercise of jurisdiction to criminal housing and on-reservation child welfare cases. The Tribe has been unable to exercise jurisdiction in civil matters, domestic relations, or regulatory matters, nor to provide judicial review of administrative actions or to accept transfers of child welfare cases from State courts.

Recently the U.S. Attorney for the Western District of Michigan determined that the Tribe's six Indian housing communities are "Indian country" under Federal and Tribal jurisdiction. These areas require travel of up to 150 miles each way for court hearings. We are also currently expanding our law enforcement capability and providing services in these areas not previously serviced. This sharply increases the burden on the Tribal Court. Minimally adequate services to them require a full time judge and prosector. The Court also needs full time secretarial support and, appropriate training.

Benefits: A fully operative Tribal Court is essential to Tribal self-government. With the increase in funding requested, the Tribe could effectively administer criminal justice within its jurisdiction. It would also allow updating of Tribal codes to cover civil jurisdiction and permit fully exercise of Tribal rights under the Indian Child Welfare Act. Finally, the Court would be able to protect the rights of Tribal members by providing judicial review of administrative action.

SOCIAL SERVICES

REQUEST: A permanent increase to the base budget for the social services contract of $233,330 to add four social workers and one Director to the staff, provide training and supervision to provide minimum child protection services on the reservation.

JUSTIFICATION: The current Tribal social services contract of $54,700 provides one social worker. This amount has been static since 1980, with no increases provided by the BIA. The resident Tribal population includes 2,888 children within a seven county service area. The Tribe has exclusive jurisdiction for child protective services on the

reservation, but works cooperatively with the State as a State licensed child placement agency. Under present constraints, the Tribe can respond only to crisis situations and cannot provide after hours assistance. Last year, the tribal social worker conducted 48 protective service investigations, and direct services to 200 clients. State standards require a ratio of 30 cases to one worker. Last year, the social worker covered only two of seven communities, as a result Tribal members went without protective services in five Tribal communities. Based on population and social services requirements the Tribe requires a basic social services staff of five workers and a director.

Benefits: With 4 additional social workers, the Tribe will provide child protective services to additional reservation population centers (Sault Ste. Marie, St. Ignace, Hessell, Escanaba, Marquette) which do not currently receive services. Munising and Manistique will be served by the currently funded social worker. The social services program will work more effectively with Tribal Court to handle on reservation foster care placements and child protective services. The staff of our social workers will handle 120 additional cases per year.. This increase will enable the Tribe to provide at least the minimum level social services to its membership.

EDUCATION EMPLOYMENT ASISTANCE

Request: Restore a $37,837 ($18,900 for higher education and $18,937 for Employment Assistance) reduction from the 1988 base budget and add a permanent increase of $62,163 to the Tribal base budget for higher education scholarships.

Justification: Education is one of the top Tribal priorities due to the fact that 4,897 Sault Ste. Marie Tribal members are eligible for college or other postsecondary education. In 1989, the BIA area office arbitrarily reduced our education budget by $37,837. The Tribe currently funds 127 students, less than 3% of those eligible. Budget reductions have forced the Tribe to reduce average scholarships from a 1988 level of $1,289 to a 1990 level of $644 per student. The Tribe requires its members to attend in-state colleges and to seek other financial aid to economize on costs. Yet, for Tribal members who tend to be non-traditional students (average age 26 with dependents) tribal scholarships often make the difference success and failure.

Benefits: The increase would enable the Tribe to fully fund unmet need for 150 students and to increase the average individual financial aid award to $1,300. The requested increase would establish a minimum base budget for the tribal education department $37,837.

INDIAN HEALTH SERVICES

STAFFING AND HEALTH CARE SERVICES

Request: From within increases provided for the staffing of Tribal Contract facilities, we request the Committee to direct staff increases to the Sault Ste. Marie outpatient clinic. From within any increases provided for the operation of Tribal outpatient facilities or for equity funding increases, we request that the Committee include report language to direct the Indian Health Service to allow the Sault Ste. Marie Tribe to increase its services to a level comparable to that of other tribes.

Justification: The Tribe requires an additional 13 positions to staff at a level to provide basic outpatient services. This includes the following positions: 2 physicians, 2 nurses,

1 dentist, 1 dental assistant, 2 medical records clerks, 1 medical technologist, 1 pharmacist, 1 public health nutritionist, 1 diabetes coordinator and 1 clerk typist. At present, Sault Ste. Marie has an unmet health care delivery of 53%. For example, we are critically short on the number of inpatient days and outpatient visits we can provide as follows:

Current	*Need*	*Unmet Need*
1,038 Inpat Days	*3,489 Days*	*2,451 Days*
9,500 Outpat. Days	*38,000 Days*	*23,160 Days*

The IHS has been directed to provide increases to bring currently underfunded Tribes up to some level of parity. Under the current Formula, equity increase are based on current work load as opposed to unment need. The Tribe is in a catch "22" situation. Since we are already providing all the services we can afford under present funding, there is no way for us to qualify for additional funding even though we know that many members of our community have needs.

Benefits: These increases will enable the Tribe to improve health care delivery by decreasing the unmet need and deficiency level.

WATER FILTRATION SYSTEM

Request: The Tribe requests one-time funding in the amount of a $1,000,000 earmark from the IHS Sanitation Facilities Account to assist in constructing an $8.3 million water filtration plant for the water system serving the Tribe's reservation. This project would be a cooperative undertaking between the City of Sault Ste. Marie and the Tribe.

Justification: The Sault Ste. Marie Tribe reservation is within the City of Sault Ste. Marie and its water supply is drawn from the St. Mary's River. The City is under an EPA compliance deadline of June 29, 1993, for filtration under the Safe Drinking Water Act. It has completed preliminary engineering and design and has established a total project cost of $8,320,000. Approximately 25% of the population served by the water system is Indian, but the funding requested is only 12% of the budget.

Benefits: This project will assist in bringing the reservation's water supply into compliance with the Sage Drinking Water Act and will ensure sanitary water for the Tribal membership.

OTHER ITEMS OF SUPPORT

We urge you to provide funding for the NIBDC. The Michigan Tribes are extremely dependent on this organization for economic development. We also endorse the request of the Chippewa Ottawa Treaty Management Authority, of which we are a member. Further, we ask that consideration be given to the increase of funds for tribal fish and game management programs and projects as proposed by by the Native American Fish & Wildlife Service.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

WAYNE SCHWARTZ, VICE CHAIRMAN, KEWEENAW BAY INDIAN COMMUNITY

Mr. ATKINS. Keweenaw Bay Indian Community, Fred Dakota?

Mr. SCHWARTZ. Fred wasn't able to be here. My name is Wayne Schwartz. I'm the vice chairman of the Keweenaw Bay Indian community.

I'd like to thank you for the opportunity to discuss the needs of our tribe for additional funds from the Bureau of Indian Affairs for our tribal programs, especially in the fisheries management, law enforcement, and courts.

We are the largest Indian reservation in the State of Michigan encompassing 60,000 acres. We are asking for, under our tribal fisheries program, a fish biologist. We have one right now who is working on a cooperative management program. We do have a roving biologist, but he spends only an average of one day a month on the reservation.

Mr. ATKINS. The roving biologist is funded by——

Mr. SCHWARTZ. The Great Lakes Fish & Wildlife Commission.

Therefore, we are requesting that the Committee direct the BIA to provide the Keweenaw Bay with a permanent base budget of $73,000 for the Keweenaw Bay fisheries management program beginning in fiscal year 1991. This will pay for a full-time biologist, one technician, equipment purchases, and other additional costs for administering the program.

Also, for tribal enforcement and courts, the $60,000—we just went through a jurisdiction issue that we won. The Bureau has cut back on our present program that we have by $16,000 reducing it to $134,000. By doing that, we had to terminate one officer. We are asking for a permanent increase of $100,000, in addition to the $134,000.

We also have a maximum security prison, which is being built in the county, within the boundaries of the reservation. There will be approximately 700 more workers involved for the next two to three years, and then 400 permanent residents who will be guards and will be living within the boundary of the reservation. We are requesting an $80,000 increase in our tribal court program.

On behalf of the Keweenaw Bay Tribal Council community, I would like to thank the committee for your consideration. We pray that you will be able to accommodate these requests to assist the Keweenaw Bay Tribe in protecting its treaty rights and exercising its governmental authorities.

Mr. ATKINS. Thank you very much.

Mr. SCHWARTZ. Thank you.

[The prepared statement of Mr. Schwartz follows:]

TESTIMONY
PRESENTED BY WAYNE SCHWARTZ, VICE-CHAIRMAN
KEWEENAW BAY INDIAN COMMUNITY
FY 91 INTERIOR APPROPRIATIONS
MARCH 15, 1990

Mr. Chairman and members of the Committee, my name is Wayne Schwartz, Vice-Chairman of the Keweenaw Bay Indian Community in Michigan. On behalf of the Tribal Council, I thank you for the opportunity to discuss the needs of our Tribe for additional funds from the Bureau of Indian Affairs for tribal programs in fisheries management, law enforcement and courts.

BACKGROUND

The Keweenaw Bay Indian Reservation is located in Upper Michigan on the shoreline of Lake Superior. The Tribe exercises jurisdiction over approximately 1,000 tribal members residing on the L'Anse Indian Reservation in Michigan. The Reservation encompasses 60,000 acres of land and is separated into two parts by Lake Superior. Our tribal community has experienced a boom-bust eoncomic cyle caused by the exploitation of timber and fisheries resources. We experience a 46% unemployment rate with commerical and subsistence fishing being the only viable support for the majority of tribal members.

Unlike many Reservations, non-Indians comprise 85% of the population within the Reservation boundaries. Although we generally have a cooperative working relationship with local and state government, The Tribe itself and tribal members face increased pressures and costs as a result of competition over the fisheries and jurisdictional issues. Our three requests for funding in FY 91 ste= directly from two court cases which developed as a result of conflicts over resources and jurisdiction between the Tribe and non-Indians on the Reservation.

These cases require the Tribe to provide additional services which we can only do with additional federal support. Specifically, the tribe is working under two specific court orders which have imposed additional service requirements and program costs in the areas of fisheries management, law enforcement and tribal courts.

TRIBAL FISHERIES MANAGEMENT PROGRAM

1. U.S. v. Michigan (1974): This case established the Tribe's right to utilize the fishery resource in the Keweenaw Bay of Lake Superior, as long as the resource is not depleted. For generations, tribal members have relied upon the Lake's fishery for subsistence and commercial purposes. Under the Tribe's rights to

exercise treaty fishing as recognized by the Court, over one million pounds of fish have been harvested form the ceded Lake Superior waters by tribal fishermen since 1986. U.S. v. Michigan contained the proviso that if the exercise of tribal fishing depletes the resource, the State can return to Court to gain jurisdiction and control over the fishery resource in the Keweenaw Bay of Lake Superior.

The problem is that the State has refused to stock the Keweenaw Bay with fish and federal hatcheries which previously provided minimal stocking in the area have been closed due to a fish virus. Tribal commercial and subsistence fishing is coupled with sports fishing in the Keweenaw Bay and the Tribe is very concerned that the fishery resource is in danger of being depleted. Natural reproduction and migration will not replenish the resource.

In 1989, the State of Michigan already requested that Secretary Lujan impose new fishing regulations over tribal fishermen on Lake Superior. Fortunately, the Interior Department rejected this request. Nevertheless, without a tribal stocking capability, it is only a matter of time until the resource is compromised and tribal treaty fishing rights become jeopardized.

While the Tribe enjoys the right to harvest the fishery resource, we also acknowledges our responsibility to protect and co-manage the resource for the benefit of tribal and non-Indian fishermen. We've done as much as we can through our limited BIA funds and tribal money. We have: adopted a Commercial Fishing ordinance, maintained 2 full-time wardens to enforce codes; prosecuted violators in tribal court; and negotiated an Inter-Tribal Commercial Fishing Agreement with the Red Cliff and Bad River Bands of Chippewa. The Tribe invested nearly $20,000 to start collecting lake trout eggs which are being raised and in the spring 50,000 lake trout fingerlings will be stocked by the Tribe in the Keweenaw Bay. The annual stocking rate should be 150,000 lake trout yearlings.

We also established a Tribal Fisheries Management Program and hired a professional fisheries biologist. The biologist is working on a cooperative management program with the State and has collected vital biological information and assessments. This work does not duplicate, but rather compliments the efforts of the biologists from the Great Lakes Fisheries Commission. The Commission recommended that Keweenaw Bay have its own full-time fisheries biologist because there is more work to be done than the Commission can provide with a "roving" biologist who only spends an average on one day per month at Keweenaw Bay.

The fishery populations are experiencing increased demand by sportsmen and tribal fishermen and there is a growing impact by pollution, parasitic lamprey and decline in stocking rates. Because

the Tribe does not have the resources to maintain a Fisheries Management Program, we cannot meet these needs.

Unlike the vast majority of fishing Tribes, KeWeenaw Bay does not receive a base-line BIA budget for the Fishery Management Program. In FY 89, the BIA provided the Tribe with $35,489 for the Fisheries program but this was cut out of the budget with no explanation in FY 90. In FY 90, we received only $10,000 from Area office, but at present, we are operating the program on a month to month basis. Therefore, we are requesting that the Committee direct the BIA to provide KeWeenaw Bay with a permanent base budget of $73,000 for the KeWeenaw Bay Fisheries Management Program beginning in FY 91. This will pay for a full-time biologist and one technician, equipment purchase and other associated costs of administering the program.

TRIBAL LAW ENFORCEMENT AND COURTS

2. KeWeenaw Bay Indian Community v. The State of Michigan: This case was initiated by the Tribe to resolve a dispute with the State as to where the Reservation boundaries are situated for jurisdictional purposes. The Court issued a decision on behalf of the Tribe in December 1989 which clarifies that tribal jurisdiction extends throughout the entire area within the boundaries of the reservation, regardless of land ownership. That is, the Court determined that the entire reservation is "Indian country" and that the Tribe exercises jurisdiction on the entire reservation.

This decision will require the Tribe to expand both the law enforcement and tribal courts functions. Prior to the court decision, the Tribe exercised jurisdiction only within a small area of the reservation in order to minimize jurisdictional conflicts with state and local law enforcement officers. We now need to patrol and enforce law within the entire reservation boundaries which requires an additional 3 officers, equipment, training and other support. Similam increases in staff and budget are also required for the tribal court to process and handle the increased workload as a result of our jurisdictional responsibilities.

An additional factor which will significantly increase the need for tribal law and order is the construction of a State maximum security prison in L'Anse which has brought an influx of 700 temporary construction workers onto the reservation. The reservation population will increase by 400 from the permanent new workforce associated with the prison.

At present, the Tribe cannot provide 24 hour coverage for traffic control, response to misdemeanors and other crimes which is posing a serious problem. As a result of the Court case, state and local law enforcement officials have cut back on law enforcement so we are basically looking at a vacuum of coverage.

In FY 89, the BIA reduced the tribal law and order program by $16,000 to the present rate of $134,000 which caused us to terminate one officer. In FY 91, we are requesting the Committee to provide permanent increases of $100,000 to the KeWeenaw Bay Law Enforcement Program and $80,000 to the Tribal Court program.

SUPPORT FOR OTHER REQUESTS

The Keweenaw Bay Tribe also supports the request of $1325,000 to establish a Chippewa Inter-Tribal Commercial Harvest and Contaminant Monitoring Program for Lake Superiors' fisheries resources. Commercial fishermen from Grand Portage, Fond Du Lac, Red Cliff, Bad River and Keweenaw Bay Chippewa Band collectively harvest an average of 1.3 million pounds of fish annually for Lake Superior waters. Monitoring tribal harvests provides information which forms the basis for Lake Superior's inter-tribal and tribal/state fisheries management agreements. Under the request, each Tribe would receive $25,000 to conduct these activities for the respective tribes.

We also support the request of the Native American Fish and Wildlife Society on behalf of over 50 Tribes to increase funding for the BIA's Fish, Game and Parks budget, specifically for tribal management programs and projects. Under this program, only about $3 million is available for tribal programs which is why we all have to come to Congress to request earmarks and add ons.

Finally, we support the request of the Native American Fish and Wildlife Society for a small increase of $100,000 to the base budget of the Society so they can provide additional technical support to the Tribes. The Society assisted Keweenaw Bay this year with recommendations and support for improvements to our fisheries program and developing our fish stocks for Keweenaw Bay. We received more help from the Society than we have from the BIA, so we think this request is reasonable.

SUMMARY

On behalf of the KeWeenaw Bay Tribal Council and Community, I would like to thank the Committee for your consideration. We pray that you will be able to accommodate these requests to assist the KeWeenaw Bay Tribe in protecting its treaty rights and exercising its governmental authorities.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

JEFF PARKER, CHAIRMAN, BAY MILLS INDIAN COMMUNITY
L. JOHN LUPKINS, VICE CHAIRMAN

Mr. ATKINS. Bay Mills Indian Community, Jeff Parker?

Before you get started, I would like to bring to your attention that we have a letter from Congressman Kildee, who says, "Dear Mr. Chairman: Thank you for this opportunity to communicate my support for testimony that will be delivered today to your subcommittee by Mr. Jeffrey D. Parker, Chairman of the Bay Mills Indian Community. The Bay Mills Indian community is a Federally-recognized tribe of Chippewa Indians located on 1,000 acres in the eastern section of Michigan's Upper Peninsula.

Mr. Chairman, the Bay Mills Community comes to you today with an important request for enabling funds. These funds will be used to solve a dire need for a new water supply and waste treatment system. Bay Mills' current waste water system consists only of septic tanks and drain fields that use up a considerable amount of the tribe's limited acreage.

The discharges from these tanks have degraded the tribe's water quality to the point that it is adversely impacting the environment and is posing serious health hazards to tribal members. In addition, the lack of an adequate water and sewer system is a great roadblock to plans for economic development and self-sufficiency on the Bay Mills reservation.

At their own expense, the Bay Mills tribal leaders have commissioned a facility plan for the project. The facility plan is complete and will be submitted for your review today. I would appreciate your serious consideration of the request for funds by the Bay Mills Indian Community, and I am available to speak with you about their request at any time. Sincerely, Dale E. Kildee."

I know that Congressman Kildee has a great interest in your situation, and we appreciate his sending a letter to us.

Mr. LUPKINS. We certainly do, too, Mr. Atkins.

Mr. PARKER. Mr. Atkins, my name is Jeff Parker. I am the chairman of the Bay Mills Indian Community. With me today is John Lupkins, our tribal administrator, as well as our vice chairman.

Mr. Kildee has addressed many of our problems. Currently, at this time, we have a medical center. We have a community college. We have our tribal offices and a fish processing plant, all on drainfields at this time. The drainfields themselves are taking up much of our land. We have approximately 50 acres now that we can use for development.

The problem with the drain fields, though, is that our medical center is frequently experiencing backup. We're having raw sewage backing into our center. Our fish processing plant is stuck right now. They are processing over a million pounds of fish a year, but they have no place to put this raw sewage.

Our community college has got a five-acre drainfield.

Mr. ATKINS. You have how many students in the community college?

Mr. PARKER. We have 200 students now. It started with eight. They're looking to expand. The way to expand is over the drainfield. They can't do that.

What we're trying to do now is develop the infrastructure. We can get the wastewater facility in as well as the water. We would like to develop a resort on the shores of the St. Mary's River, which connects Lake Superior with Lake Huron. We have got sandy beaches there. Our problem is that a facility of that size cannot utilize a septic field, nor can we afford the land, to put a septic field in.

We have received grant for $200,000 to put together a feasibility study on the resort. We have professors from the University of Wisconsin, the University of Michigan, and Michigan State University working with us on this.

Our goal is to become self-sufficient. We're asking you for help in getting our infrastructure in the resort itself. We're going to follow the fleet of private industry and develop that ourselves through private funding loans and bonds. At this time, though, we would appreciate your support in infrastructure development, that being our wastewater treatment facility and the well water.

John.

Mr. LUPKINS. Jeff, you've covered everything magnificently, and so did Mr. Kildee in his letter.

Mr. ATKINS. Thank you very much. We will try to respond as best as we're able.

Mr. PARKER. Okay. Thank you for the time.

[The letter of the Honorable Dale Kildee and the prepared statement of Mr. Parker follows:]

DALE E. KILDEE
7TH DISTRICT, MICHIGAN

2239 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3611

DISTRICT OFFICE
303 WEST WATER STREET
FLINT, MI 48503
(313) 239-1437
TDD: FREE TO FLINT OFFICE
1-800-662-2865

Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEES
COMMITTEE ON THE BUDGET

EDUCATION AND LABOR
CHAIRMAN
SUBCOMMITTEE ON HUMAN RESOURCES

March 15, 1990

Honorable Sidney R. Yates, Chairman
Appropriations Subcommittee on Interior
B 308 Rayburn HOB
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for this opportunity to communicate my support for testimony that will be delivered today to your subcommittee by Mr. Jeffery D. Parker, Chairman of the Bay Mills Indian Community. The Bay Mills Indian Community is a federally recognized Tribe of Chippewa Indians located on one thousand acres in the eastern section of Michigan's upper peninsula.

Mr. Chairman, the Bay Mills Community comes to you today with an important request for enabling funds. These funds will be used to solve a dire need for a new water supply and waste treatment system. Bay Mill's current wastewater system consists only of septic tanks and drain fields that use up a considerable amount of the Tribes limited acreage. The discharges from these tanks have degraded the Tribes's water quality to the point that it is adversely impacting the environment and is posing serious health hazards to Tribal members. In addition, the lack of an adequate water and sewer system is a great roadblock to plans for economic development and self sufficiency on the Bay Mills Reservation.

At their own expense, the Bay Mills Tribal leaders have commissioned a facility plan for the project. The facility plan is complete and will be submitted for your review today. I would appreciate your serious consideration of the request for funds by the Bay Mills Indian Community and I am available to speak with you about their request at any time.

Sincerely,

Dale E. Kildee, M.C.

jhm

BAY MILLS INDIAN COMMUNITY
RURAL ROUTE NO. 1
BRIMLEY, MICHIGAN 49715

**STATEMENT OF JEFFREY D. PARKER, CHAIRMAN
BAY MILLS INDIAN COMMUNITY, BEFORE THE SUBCOMMITTEE
ON INTERIOR AND RELATED AGENCIES OF THE HOUSE
COMMITTEE ON APPROPRIATIONS**

Good Afternoon Mr. Chairman, my name is Jeffrey D. Parker and I am the duly elected Chairman of the Bay Mills Indian Community. On behalf of our Tribe I would like to thank you for this opportunity to present testimony. The Bay Mills Indian Community is a federally recognized Tribe of Chippewa Indians located in the eastern section of Michigan's upper peninsula. The reservation has little over a thousand acres and our Tribe has an enrolled membership of 800.

I am here today because the Bay Mills Community is in dire need of a new water supply and waste treatment system for both our human and economic development reasons. Presently, our wastewater treatment on the reservation consists only of septic tanks and drain fields. These drain fields use up a considerable amount of our limited acreage and regularly pollute our ground water. These discharges have now degraded our water quality to the point that it is adversely impacting our natural environment and posing serious health hazards to our citizens. This is evidenced by such problems as a persistent wastewater backup at the our Bay Mills Medical/Dental Center.

Our problem was recently compounded with the expansion of the Chippewa Ottawa Indian Fishermen's Association's fish processing plant. In its first seven months of operation, this plant processed and distributed over 1.2 million pounds of fresh and frozen fish causing daily wastewater removal problems which have still not been met. These problems now threatens to stop the growth of this new industry.

In addition, our lack of an adequate water and sewer system totally stifles our hopes for economic development on the Bay Mills Reservation. The Tribe has, for example, spent the last three years working with the American Indian Business Development Consortium, the State of Michigan, and a number of professional consultants to explore the possibility of developing a resort along our beautiful lakeshore, since our location on the Southeast beaches of Lake Superior gives us a tremendous recreational and tourism potential. Unfortunately, while the findings of our feasibility study show this project to be extremely viable, they also point out that the project simply

cannot move forward unless our water and sewer needs are addressed. I have attached a copy of our Bay Mills Indian Community Facilities Management Plan which was prepared by Granger and Associates, Inc., professional, registered engineers. This study, which addresses our planned resort complex, clearly shows that this project has the potential of creating jobs for our people and increased income for our Tribe, but, that a prerequisite to this development is the correction of our water and sewer problems.

The Granger and Associates plan clearly indicates that our only answer for this and other economic development on our reservation is to have a new wastewater collection system and pumping station to transfer the wastewater to the existing Superior Township treatment lagoon which is adjacent to our reservation. This project has an estimated cost of $1.17 million dollars. It also calls for the expansion of our existing Michigan Mission Hill water system and the construction of a connecting water distribution system. This will require the drilling of a new well and the construction of a new storage tank on our reservation. The estimated cost of this water supply system is $965,000, making our total project cost a little over $2.2 million.

Mr. Chairman, the Tribe has, at its own expense, already completed a thorough needs assessment study on our water and sewer problems. We have also paid the cost of designing a system to address these problems. Bay Mills is committed to tribal self sufficiency and a better quality of life for our people. We are, therefore, here today to ask for your assistance in constructing this project.

While we realize that $2.2 million is a great deal of money, we must also note that without this system we have no hope for economic development in our area. The funding we request would serve a number of purposes. It will prevent ground water pollution in our community, result in better utilization of our existing land base, eliminate dangerous health hazards and provide an important building block for economic development.

After discussing the project with a number of federal agencies, we see this committee as our last resort. We currently have a developer who is committed to investing in our resort complex, if and only if these problems can be resolved. Our plans for this complex are current and our people are in support of the project. The only thing stopping us is our lack of adequate water and sewer.

This project was identified with the assistance of the American Indian Business Development Consortium (AIBDC) and it is totally consistent with AIBDC's seven point plan for Indian economic development in Michigan. Once constructed, our current system of user fees will allow it to be self sustaining.

Mr. Chairman, again I would like to thank you for this opportunity to appear before you and your subcommittee. I will be happy to answer any questions that you may have and provide you with any additional information you might request.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

ARNOLD SOWMICK, CHAIRMAN, SAGINAW CHIPPEWA
TIM DAVIS
LAURA KAHGEYAH CALL
PATTY MARKS
DEANE KENT

Mr. ATKINS. Saginaw Chippewa, Arnold Sowmick?

Mr. SOWMICK. I'd like to thank the Great Spirit for allowing me to be here this afternoon. I want to thank you, Mr. Atkins, for hearing our concerns.

My name is Arnold J. Sowmick. I am the chief of the Saginaw Chippewa Tribe. We are located in the lower peninsula of Michigan. The reason we are here this afternoon is to talk about three areas: education, law enforcement and courts.

With me is Tim Davis, who is a certified police officer and the subchief; Councilwoman Laura Call, who has been a long-time advocate of Indian education; our tribal operations officer, Deane Kent; and counsel, Patty Marks.

Now our history with the Bureau of Indian Affairs—we got our programs out from the Great Lakes agency out of Ashland, Wisconsin. In 1976, Michigan was able to get its own agency.

Now the Ashland agency—they were dealing with two BIA States. When the agency was transferred, of course, Michigan is a 280 state so, therefore, they didn't have any law enforcement money. Therefore, we have had to use most of our IPS allocation to meet these needs. To tell you how this affects our law enforcement, subchief Tim Davis, will speak.

Mr. DAVIS. I am a certified tribal police officer. I have been for about eight years now. I can speak from experience in relation to the law enforcement and tribal court systems. Our jurisdictional program is over 216 square miles that we patrol with two vehicles, one over 100,000 miles, and the other one at over 90,000 miles.

Mr. ATKINS. That's a total population of how many in your jurisdiction?

Mr. DAVIS. In our jurisdiction, about 950.

We also cover an area of 70 acres over in the Saginaw District. That is trust land that is about 70 miles away. We are able to get there once a week and respond to on-call emergencies over there. We have sole criminal jurisdiction over the entire reservation. We have no full-time court; we have a part-time judge eight hours a week and a full time magistrate. We have no prosecutor, no public defender, no probation officer. This part-time court operates on eight hours a week.

In fiscal year 1988 to 1989, the court incurred a total of 230 cases, including 52 juvenile cases. Because the court operates only eight hours a week, we had a total of 160 cases that were open at the end of fiscal year 1989.

In 1983 to 1984, a BIA representative met with the county officials and informed them that the BIA should be paying for deten-

tion services. Up until this time, those services were free. To date, the BIA has never paid costs for incarcerations. We had to enter into an agreement with Isabella County for detention services at $25,000 a year. That covers 715 days of incarceration per year. The Bureau provides $925 of that cost. We pick up the rest.

We know that is not going to be enough for incarceration for a year period. In our tribe we also use State facilities for juvenile detention at $120 a day. The BIA funding of that is zero.

If we are to operate our court system and our tribal police, we need better staffing and more funding.

Thanks.

Ms. CALL. My name is Laura Kahgeyah Call. The appropriations we are seeking in scholarships and adult education is a result of the Indian priority system. The tribe has had to use all of its allocations to provide the essential government services, such as law enforcement, social services, and judicial services, while we had to eliminate the two education programs.

We desperately need these programs for a number of reasons. First of all, we had a high dropout rate for many years. Now that much improvement is being done in cooperation with the public school system, we need to show our students that they can and will have the opportunity to achieve a degree of higher education.

Our tribe has also implemented a policy that no one can be hired or promoted by the tribe unless they possess a high school diploma or a GED. This has been a big incentive for our people to go back to school for a GED or else a diploma or higher education. Now we need to provide them the necessary financial support.

We need to have our future leaders well equipped educationally to meet the demands of a highly technological society and to enable them to actively implement self-determination. We don't want them to be as reliant as we have on the various governmental services such as we've had to do in the past.

Thank you.

Ms. MARKS. Mr. Chairman, I appreciate your indulgence. I'd just like to make two additional points. One is that the kind of story that you've heard from the last few Michigan tribes is very true at Saginaw and that is, "Who struck Saginaw?" Answer is, "everybody." The fact is that when the Michigan agency was created no administrative money was added to the budget at all.

The fact the program came from an agency in a 280 budget situation where there was no money to begin with in law enforcement has resulted in the stories that you're hearing here today which is a tribe that has no education programs whatsoever, no natural resource programs whatsoever, no trust programs whatsoever. All they're allowed to fund is basically courts and law enforcement, and these types of critical Government programs that can't be avoided.

The actual IPS allocation for Saginaw—Mr. Kent and I went all the way back is $7,000 in real dollars, not inflated, more than it was in 1983. That's the kind of cutbacks that we're dealing with with required pay raises, raises in gas prices, et cetera.

I would truly encourage the committee to look at this. There have been two new tribes funded in Michigan in recent years. One that received approximately $600,000 for a population less than

half of Saginaw's and land base less than 1/15, and one that received $390,000.

Saginaw's total budget is $186,000 as it was in 1983, so we're stressing here that it is desperate. The Bureau is coming in and suggesting to the county on top of all of this that the tribe ought to be paying them for courts. The Bureau provides $925 for incarceration. For a tribe this size, that is just amazing.

The other point I would make is that, just for the record, while the tribe's population is approximately 900 on the reservation, the tribe does claim and exercise civil jurisdiction over the entire community, which raises the population and makes it about triple.

Thank you.

Mr. ATKINS. Thank you very much. We appreciate it. We will do our best to respond to your needs. As I'm sure you're aware, our funding is tight this year. We have some difficult decisions to make.

[The prepared statement of Mr. Sowmick follows:]

The Saginaw Chippewa Indian Tribe
Of Michigan

7070 EAST BROADWAY MT. PLEASANT, MICHIGAN 48858 (517) 772-5700
FAX (517) 772-3506

**STATEMENT OF ARNOLD SOWMICK, CHAIRMAN
SAGINAW CHIPPEWA TRIBE, BEFORE THE SUBCOMMITTEE
ON INTERIOR AND RELATED AGENCIES OF THE HOUSE
COMMITTEE ON APPROPRIATIONS**

Good Morning Mr. Chairman:

My name is Arnold Sowmick and I am the Chairman of the Saginaw Chippewa Tribe. On behalf of our Tribal Council and Tribal Members, I would like to thank you for this opportunity to present our concerns.

I am here today to request this Subcommittee's assistance in three areas: law enforcement, Tribal courts and education. Each area is in dire need of additional funding. In order to help you understand our request, let me take just a few minutes to provide you with some background information.

The Saginaw Chippewa Tribe is currently funded through the Michigan Agency at Sault Ste. Marie. This agency was created in 1976. Prior to that time, the only monies we received came through the Great Lakes Agency of Wisconsin, mostly for social service and employment assistance programs. After years of fighting, the Michigan Tribes finally received their own agency in 1976. Unfortunately, when this agency was created, the BIA simply took the Michigan share out of the Great Lakes budget and failed to add sufficient funds to cover the administrative costs of running the Michigan Agency. As a result, we lost precious program dollars.

To make matters worse, the Great Lakes Agency had practically no law enforcement funds in its budget since that Agency served primarily P.L. 280 States. Thus, the only law enforcement funds we received at that time came through the Law Enforcement Assistance Administration. When L.E.A.A. was abolished in the late 1970's, the Tribe was forced to absorb almost all of its law enforcement costs out of its IPS allocation.

The situation worsened a year or so later when the BIA's Michigan agency sent a representative to the Saginaw Chippewa to review its law enforcement program. During the course of his

visit, this BIA official attended a meeting with a representative of our local county government. The county had, up to that point, been providing us with free incarceration on an as needed basis. When this BIA representative learned that we were not paying the county for its incarceration services, he informed the county representative that we should be and the county of course took him up on his offer. Unfortunately, this same BIA representative could not find any additional funds to add to our budget to cover this new cost. Thus, we were forced to incur still additional costs out of our already strapped budget.

As a result of these circumstances, the Saginaw Chippewa Tribe is one of the few Tribes in the country which is not able to operate a higher education program, an adult education program or a natural resource program of any kind. All of our funding must instead be directed toward trying to keep our social services, law enforcement, tribal court and HIP programs alive.

In order to show you how much of a shortfall we actually have, let me give you an example. Congress has recently recognized two new Tribes in the Minneapolis area: the Grand Traverse Band of Ottawa and Chippewa Indians and the Lac View Desert. Lac View Desert, which has only 202 members and a land base of only 24 acres, received $391,000 in new Tribes money and Grand Traverse Band, which had only 12 acres, received $600,000. The Saginaw Chippewa Tribe, on the other hand, receives only $186,000 to service its 2,072 members (900 plus on or near) and its 216 square miles of reservation.

We are currently receiving the same standard zero base budget allocation as we did in 1983 and 1984. This is in real dollars not adjusted for inflation. Our 1992 allocation, which we received notice of from the BIA last week, is only $7,000 more than it was in 1983-84. As a result, we have been forced to reduce or forgo such essential BIA programs as higher education, adult education and natural resources because we have had to utilize all of our funds for essential government services such as Law Enforcement and Tribal Courts. We have also been forced to supplement our law enforcement and tribal court programs by $97,000 and $12,000 respectively.

With this in mind, let me turn to some specific facts about our law enforcement, tribal court programs and education. Our current law enforcement program has 6 officers who work 40 hours a week and who each respond to an average of 15 calls per shift. This leaves very little time for patrols. As a result, the Tribal Police can only visit our 70 acres of trust land in Arenac County once a week or when called for emergencies. This is true despite the fact that these lands, which the Tribe has exclusive jurisdiction over, are located some 75 miles east of the Tribe's Isabella reservation. We have two police cars, one which has over 100,000 miles on it and the other has over 90,000 miles. In addition, we lack the funds necessary to provide our officers

30-252 O—90——20

with additional training and required equipment.

Despite the fact that the Tribe has civil and criminal jurisdiction over our entire reservation, we have no full time tribal court. The court that we do have operates out of a back room in our tribal office building. We have one parttime judge who works 8 hours a week and one full-time clerk magistrate who hears about 230 cases a year including some 52 involving juveniles. Because the court can only operate 8 hours a week, we had 160 cases open at the end of FY 89. We have no prosecutor, no public defender, and no probation officer. We also have inadequate funding for jury trials.

Our incarceration funds (all except $925 of which are provided by the Tribe) allow us only 715 incarceration days per year for adults. Because we have no juvenile detention available at the tribe, we are forced to utilize state facilities at a cost of $120/day over and above our incarceration budget. Thus, our tribal court is often forced to give convicted criminals little or no jail time. Last year for example, our tribal court convicted a man of child sexual abuse but, because our incarceration budget was so low, our court could only sentence him to 180 days in jail. Our funds became even tighter this year when the county required us to sign a $25,000 incarceration contract which still provides us with only 715 days of service. Unfortunately, we have already had to use 20% of this contract to incarcerate two (2) men, one for 90 days and the other for 120 days. This situation is simply exasperating, especially since we supplement our trial court budget by some $12,000 per year.

Over the last three years, the Tribe has focused much attention on the need to improve the educational opportunities of its people, since we see our youth as the future of our community. Towards this end, we have been working closely with representatives of our local public school system and our state Department of Education. We have also passed a resolution stating that no person can be hired or promoted by the Saginaw Chippewa Tribe unless they have finished high school or an equivalent GED program. Unfortunately, however, our drop out rate continues to linger at about 35%. Our studies show that this problem stems, at least in part, from the fact that many of our children see no future for themselves on or off the reservation, since college is beyond their economic reach. As we pointed out, above, the Tribe currently has no BIA funded scholarship program and because our tribal service population has recently been expanded by over 1,200 people, our tribe simply can not afford to provide tribally funded scholarships to everyone. We, therefore, feel that the creation of a truly viable BIA funded scholarship and higher education program will give those students who are working hard a reason to dream and provide those who are considering dropping out them an increased incentive to stay in school and reach for a better way of life. Likewise, we feel that the creation of a

high quality BIA funded GED program is needed to provide those same opportunities to those individuals who have already left school.

Mr. Chairman, the Saginaw Chippewa Tribe has no minerals or other natural resources on our lands. Thus, our only source of income comes from interest earned on our last tribal judgement fund account and our small gaming operation. As a result, we can no longer afford to supplement these programs to the extent that we have in the past and we definitely cannot afford to expand them. In addition, we have been forced to forego numerous economic development projects our judgment fund and gaming monies were to have been used for. We are here today, therefore, to ask for a supplemental appropriation of $126,889 for our law enforcement program, $141,889 for our tribal court and $120,000 to allow us to initiate our first BIA funded higher education and adult education programs. This $120,000 for education will provide us with $70,000 for higher education and $50,000 to supplement our tribally funded GED program.

On behalf of the Saginaw Chippewa people, I would like to thank you for this opportunity to present our concerns. I will be happy to answer any questions you may have.

SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

LAW ENFORCEMENT SERVICES
OCTOBER 1,1989 TO SEPTEMBER 30, 1990
CONTRACT NUMBER; CTF50602089

	TOTAL NEED	B.I.A. FUNDING	UNDER-FUNDED
SALARIES	140,088	87,819	52,269
FRINGES @ 31%	43,427	27,224	16,203
TRAVEL	1,000	0	1,000
TRAINING	5,000	0	5,000
SUPPLIES	1,799	221	1,578
TELEPHONE	1,200	936	264
SPACE COST	2,625	2,625	0
VEHICLE MAINTENANCE	10,000	5,000	5,000
UNIFORMS	1,500	0	1,500
DETENTION	35,000	925	34,075
EQUIPMENT	10,000	0	10,000
MEMBERSHIP FEES	150	150	0
LIBRARY SERVICES			
STIPENDS			
SCHOLARSHIPS			
ADULT EDUCATION			
	251,789	124,900	126,889

THE ADDITIONAL FUNDING, IF AUTHORIZED WILL PROVIDE SALARY SUPPORT FOR THE FOLLOWING POSITIONS, NOW PAID THROUGH B.I.A. AND TRIBAL FUNDING

(1) CAPTAIN
(1) SERGEANT
(4) OFFICERS
(1) SECRETARY
(1) JUVENILLE OFFICER

JUDICIAL SERVICES
OCTOBER 1, 1989 TO SEPTEMBER 30, 1990
CONTRACT NUMBER: CTF50601489

TOTAL NEEDED	B.I.A. FUNDING	UNDER-FUNDED
118,800	16,800	102,000
36,828	5,208	31,620
2,550	2,550	0
5,000	0	5,000
936	936	0
1,200	1,200	0
6,538	3,269	3,269
1,200	1,200	0
4,037	4,037	0
177,089	35,200	141,889

THE ADDITIONAL FUNDS, IF AUTHORIZED WILL ALLOW THE TRIBE TO CONTINUE OUR MAGISTRATE POSITION AND ADD THE FOLLOWING ESSENTIAL COURT STAFF

(1) FULL TIME JUDGE
(2) ASSOCIATE JUDGES
(1) PROBATION OFFICER
(1) PUBLIC DEFENDER
(1) PROSECUTOR

HIGHER EDUCATION
OCTOBER 1, 1989 TO SEPTEMBER 30, 1990

TOTAL NEEDED	B.I.A. FUNDED	UNDER-FUNDED
70,000	0	70,000
50,000	0	50,000
120,000	0	120,000

THE FUNDS, IF AUTHORIZED WILL ALLOW THE TRIBE TO INITIATE A HIGHER EDUCATION SCHOLARSHIP PROGRAM AND EXPAND OUR ADULT EDUCATION PROGRAM

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

DORA CIMINI, TRIBAL MANAGER, GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS

Mr. ATKINS. Grand Traverse Band of Ottawa and Chippewa Indians, Dora Cimini? We have your full statement that will go in the record, Dora.

Ms. CIMINI. Thank you. I just wanted to bring greetings from the people of the Grand Traverse Band.

Mr. ATKINS. Thank you.

Ms. CIMINI. My name is Dora Cimini. I have worked with the tribe for nine years. They have been in existence for 10 years. The last two years, I have been the tribal manager for the tribe.

The reason for our testimony is that we are asking direct Congressional add-on of $180,000 for our law enforcement and tribal courts which, from hearing from my sister tribe, is the common request. Also, we are asking for an add-on of $225,000 from Indian Health Service. Note on Tab A and Tab B we have broken it down for you.

In the law enforcement request, we're asking for $120,000 that will bring an additional three officers on board for us. We are a relatively new tribe. We have just received reservation status within the last two years. Over the 10 years, we have increased about 300 percent our total reservation population.

Along with that increase, we have also noted a large increase and need for law enforcement officers. We have just recently worked with our county, which is Leelanau County, and have worked on a cross-deputization. We are successful with that, and we wish to also instruct them on how to work with the tribe on reservation land. There is a definite education process that needs to go on for both our tribal officers and the outside.

For our tribal courts, we are asking for $60,000, in which we would hire a probation officer to work both in our tribal courts and also working hand in hand with the county court, which we were able to work on really well. We have a good working relationship with them.

Along with the increase in law enforcement activities, we have a need for a court secretary, in which we can keep up with the backload that we have presently.

For our direct add-on that we are requesting from IHS, it would be in the amount of $225,000. Currently, we have a six-county service area. Indian Health Services does not recognize one of our counties. In that county, we have 111 members who do not receive any kind of Indian health services at all. We have a clinic that they are allowed to come to, but due to our funding we are only able to maintain the clinic for 16 hours a week. In order to see a doctor or a physician assistant, it is almost necessary to get like a month in advance appointment, so we would like to expand our clinic hours and also work with Indian Health Service to try to get them to recognize our one other county.

Tab B has noted our breakdown of the request, but I can—we are requesting $60,000 for staffing of the clinic from the current hours of 16 to 40 hours; $60,000 to meet our unmet dental needs; and $25,000 to cover last year's unmet needs; along with $35,000 to hire a mental health worker, who would work in conjunction with our substance abuse services, which we are providing now; and $45,000 for a nutritionist as diabetes and hypertension seems to be very needed on our reservation as it is right now.

I wish to thank you for allowing me this time. Do you have any questions?

Mr. ATKINS. Now you've found that the Indian priority system has not been responsive to your needs or your input at all?

Ms. CIMINI. No, sir. They have not. They have asked, they have requested that we sit in and work with them, which we have. After we have done it, they've gone ahead and cut funds, and we've moved things around and tried to meet what we thought would be adequate for ourselves and areas that they would not be likely to cut. It has shrunk yearly.

I will note behind Tab B that we did get another notification of our funding being cut again for fiscal year 1990, which just came just before I got on the plane to come down here.

Thank you.

Mr. ATKINS. Well, thank you very much. We appreciate your testimony.

[The prepared statement of Ms. Cimini follows:]

Statement of Mrs. Dora L. Cimini, Tribal Manager , on behalf of the Grand Traverse Band of Ottawa and Chippewa Indians, before the Appropriations Committee on Interior and Related Agencies, Washington, D.C., March 1990

I bring you greetings from the people of the Grand Traverse Band of Ottawa and Chippewa Indians. I want to thank you for the opportunity to address you today and to discuss the needs of my people. My name is Dora Cimini. I have been the Tribal Manager of the Grand Traverse Band for two years. This testimony is directed towards the Bureau of Indian Affairs and the Indian Health Service. The Grand Traverse is requesting a direct congressional add on of $ 180,000 from the BIA and $ 225,000 from the I.H.S..

I am here today as a representative of my people and on the authorization of the GTB Tribal Council in a sincere attempt to request a congressional add-on to the 1991 budget for the people of the Grand Traverse Band. We believe and trust that Congress, as responsible men and women, will respond to our real need.

The people of the Grand Traverse Band, like any other people in this country, can appreciate the difficult decisions that Congress must make in your attempt to reduce the federal deficit. Like any other people, we have children and grandchildren and have sincere concerns about the effect of the deficit on their lives. On the other hand, we also know and fully appreciate the history of this country. We know that the last president and congress to reduce the federal deficit to zero was under the administration of Andrew Jackson. We know that he accomplished this through the forced removal of Indian people from their land and the sale of that land. We believe that, through that action of last century, the Indian people have already paid and continue to pay a high price in the reduction of the federal deficit.

In 1982, the Grand Traverse Band received federal Bardeed dollars in the amount of $550,000. Every year since then the Bureau of Indian Affairs has cut this budget. Our 1990 planning figure was $419,600 for a cut of $130,400 or 23%. Our 1991 planning figure was $368,500 for a cut of $181,500 or 33%. We cannot continue to provide the same services to our people with a third less in real dollars.

We questioned the Bureau of Indian Affairs as to why we were cut in funding when we were aware that Congress had increased the Bureau of Indian Affairs allocation. We asked the Bureau of Indian Affairs for a breakdown of the distribution in funding for the Michigan Agency and were told that it was not available to us.

We next enlisted the assistance of our Representative, the Honorable Guy VanderJagt. Congressman VanderJagt submitted several letters followed by phone calls to the Central Office of the Bureau of Indian Affairs in Washington. The BIA could not give him the information and checked with the Area Office in Minneapolis. The Minneapolis Office could not give him the information and referred him back to the Michigan Agency, which is where we attempted to but, could not get the answer in the first place.

Congressman VanderJagt could not obtain the information from the Michigan Agency, the Minneapolis Area Office or the Washington D.C. Central Office. No one in the agency could tell a Congressman of the United States House of Representatives how funding was divided or why the Grand Traverse Band of Ottawa and Chippewa Indians continues to be cut in our "Banded" Bureau of Indian Affairs funding.

In consultation with Congressman VanderJagt, we decided to forget the why of our funding and bring our needs directly to the Appropriations Committees of Congress. At the present time, the Bureau of Indian Affairs is too wrapped up in its own problems of how to prevent implementation of P.L. 100-472 to be of any assistance to an Indian Tribe. The BIA's main reason for existing at the moment seems to be preservation of its bureaucratic system, and its attitude seems to be to hell with the Indians.

Last year our Tribe did not receive our indirect cost modification approval from the Bureau of Indian Affairs until the eleventh month of the contract year. This year we had to wait two months for letter of credit approval on our new contracts, and some were not approved for four months. We still do not have indirect cost approval for this year's contracts.

The Indian Priority System established by the BIA to allow for Tribal input is simply not working. Our requests for changes in the allocation of our budget from program to program was ignored by the BIA this past year and not even sent into Central Office. Allocations were simply based on previous years' distribution and then, for good measure, they threw in a cut in funding.

Congress appears to be the only place that we as a Tribe can go for assistance. We are, therefore, turning to you with our request for additional funding in two areas of our "Banded" funding: Law Enforcement and Tribal Court.

Our Reservation opened 45 new low-income and elderly housing units last summer. This action drastically increased the need for Law Enforcement and Tribal Court services on our Reservation. The population of our Reservation has grown not just in this past year, but has increased by over 300 percent in the past ten years.

We can no longer serve this expanded population with fewer dollars than we had eight years ago. Our police force of three officers cannot provide adequate police protection for our people. We need three additional officers to staff our police force. This will not provide us 24-hour protection, but will allow for adequate protection. The cost for three additional officers, support costs and vehicle costs amount to $120,000.

Our Tribal Court needs to hire a Probation Officer and a Court Secretary, and to provide for indigent representation and travel. These two positions and support costs amount to $60,000.

As you can see from the attached documentation, we have attempted to stretch our resources to their maximum. The additional funding will allow us to give maximum services on a minimum budget. We, therefore, request an Appropriations add-on for the Grand Traverse Band for Law Enforcement and Court Services in the amount of $180,000. I am confident that you do not receive many requests for funding to be returned to the 1982 level.

In addition, our Tribe is struggling with our Indian Health Services Contract to provide services to our people. Rising health costs combined with our increased population has made it very difficult to even meet the basic health needs of our people. Our Tribe has one county, Charlevoix, where 111 of our people reside and where no contract health dollars are provided. At the present time, we are in litigation with the Indian Health Service in order to have needed health services provided to our people in this county.

The average age of death for citizens of the Grand Traverse Band of Ottawa and Chippewa Indians is 49.88 years. For females the average age is 47.53 and for males the average age is 50.57 years. This is more than ten years below the national average. The main reason for our shortened lives is inadequate health care.

At the present time we are only able to afford 16 hours of clinic time. This means that for five days a week, our people are forced to go to outside providers. There is a need to establish full-time clinic office hours to meet the need for the increased demand for health services to our people.

Each year, we start our health contract and attempt to provide services to our people. Each year, we are forced to go to emergency priorities only very early in our program year. In some years, we face catastrophic costs that can reduce our budget to a point that we cannot provide even minimum health care. Congress has established a catastrophic health care fund within Indian Health Service to assist with this problem, but fair and equitable distribution is not available to our Tribe.

Last year, we were turned down for assistance from the catastrophic health care fund. We later found out that only $7,500 was allowed for the entire Bemidji Area from this fund. This fund stands at $10,000,000. This is not fair and equitable distribution.

We have many needs in health care and we realize that Congress cannot be expected to meet this tremendous need throughout this country without a major allocation. While we hope Congress considers this in the future, we are only requesting today the minimum amount that we feel we need to serve our people at the same level as other Indian Tribes in this country.

We request that Congress provide an add-on of $225,000 to the Indian Health Service budget for the Grand Traverse Band of Ottawa and Chippewa Indians for basic health care. We are requesting $60,000 which will enable us to staff our health clinic for 40 hours per week.

We are requesting $60,000 for unmet dental needs. We are requesting $25,000 to cover unmet medical needs based on last year's unmet need. We are requesting $35,000 to hire a full-time mental health worker to assist in our substance abuse program. We are requesting $45,000 to hire a full-time nutritionist to assist us in reduction of Heart Disease, Diabetes and Nutrition Related Diseases. We have documented this need and attached the findings.

We have many other needs as an Indian Tribe in this country that have resulted from increased population and cuts in federal funding. We have spent considerable time identifying only our most important needs, which we cannot meet without your assistance. Those are the only things we are presenting to you today.

While these are partial solutions to today's problems, they do not address tomorrow's problems. We feel that we also have a responsibility to present a better way to Congress if we are to act as partners in providing services to Indian people.

We have studied the block grant approach and believe that it can be a major tool to assist Indian people in this country. The Bureau of Indian Affairs absorbs 90 cents of every dollar allocated by Congress for Indian people. Only ten cents on the dollar reach Indian people. Indian Health Service absorbs 70 cents of every dollar, with only 30 cents reaching the Indian people. The bureaucracies have grown so large and so strong that they have become detrimental both to Congress and the Indian people.

If Congress would consider establishing one agency to act on behalf of Indian people and limit their funding to 20 percent of the dollars allocated, this would serve to assist Indian people in many ways.

The BIA would become an advocate for Indian people because their funding would be based on a percentage of the funds they could generate for Indian people. There would be a tremendous savings through the reduction of layers of bureaucracy. Indian people would be able to realize true self-determination and would join with Congress in removing the waste and duplication that presently exists in the federal agencies.

Under the present system in the Bureau of Indian Affairs, if we now have a contract that is funded at $100,000, it costs Congress $1,000,000 to ensure that this amount reaches the Indian Tribe. Under the block grant system with a 20% cap on agency funding, Congress could allocate $500,000 for the same purpose, realize a 50% savings and at the same time increase the funding to the Tribe by $300,000. This same process could also work for Indian Health Service dollars.

Block grants directly to Indian Tribes would end the paternalism that has prevented self-determination by Indian Tribes in this country. They would create an opportunity for Congress to save money while increasing service dollars to the reservations. We feel this is a win-win answer to a difficult problem faced by Congress, the federal agencies and particularly by the Indian Tribes in this country.

I will be happy to answer any questions you may have. I thank you for your help in meeting the pressing needs of my people.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

DONALD MOORE, SR., CHAIRMAN, BAD RIVER BAND OF LAKE SUPERIOR CHIPPEWA TRIBE

Mr. ATKINS. Bad River Band of Lake Superior Chippewa Tribe, Donald Moore, Sr., Chairman?

Mr. MOORE. Good afternoon. It is a pleasure to be here. I am here to request restoration and expansion of Bad River's natural resource programs.

Since 1987, fish and game hatchery operations, maintenance, rice protection, and forestry have been reduced by 43.5 percent. I'd like to ask restoration at the 1987 levels. We have a lot of other areas of concern also, especially in our forestry program, where it has drastically been cut by 60 percent. We received $33,000; this year we're going to be cut down to $13,000.

We have just received in the last couple of years 4,500 acres as a gift, which we want to reforest. I'm asking for a restoration of that and an expansion of five other territories programs. The $100,000 increase for the hatchery, including $50,000 for fish hatchery operations and $50,000 for fish hatchery maintenance; $500,000 increase for our forestry development and the purchase of equipment. That has partially to do with that 4,500 acres. We want to reforest at least 1,000 acres of that, and we also want to—we have a tribal enterprise to timber logging that is currently in its first year. We have a lot of over-mature timber on our reservation right now that has to be cut or it will be no good to anybody.

Also, I am asking for a $35,000 increase for the purpose of supporting costs to expand fish and wildlife and enhance the activities with Wisconsin Conservation Board. They have been a great help to us in the last five or six years.

We are requesting $26,000 for Bad River's participation in the circle of flight tribal waterfowl initiatives. Also, we ask for that.

We have a concern also——

Mr. ATKINS. Could you tell me just briefly what your tribal waterfowl initiative is?

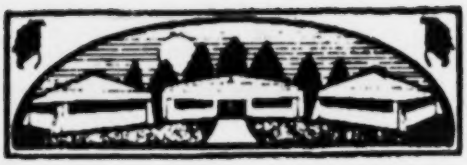
Mr. MOORE. It is connected with 17 tribes. What we're trying to do is to build a couple of refuges. We have a few older rice patties that were not used at a prior time. We'd like to have a few refuges for geese, ducks, woodducks, and we would create ordinances to protect them also.

Another concern is the Environmental Protection Agency. There are so many mandates being assessed to the reservation at the time being that neither the Bureau, nor the EPA, has the funds that is mandated by us to abide by this. We would like to see if this committee could look into that portion of it.

I thank you.

Mr. ATKINS. Thank you very much.

[The prepared statement of Mr. Moore follows:]



Telephone
715/682-4315
715/682-4559
Maajiiwiin Center
BAD RIVER BAND OF LAKE SUPERIOR
TRIBE OF CHIPPEWA INDIANS
P.O. Box 39, Odanah, WI 54861

TESTIMONY SUBMITTED BEFORE THE HOUSE APPROPRIATIONS COMMITTEE

March 15, 1990

Mr. Chairman, Members of the Committee, my name is Donald Moore, Sr. and I am the Tribal Chairman of the Bad River Band of Lake Superior Chippewa Indians. The Bad River Band is comprised of 4,676 tribal enrollees and possess a reservation encompassing 125,000 acres on Lake Superior's southern shore.

I am here today to support the Band's request of restoration and expansion of its natural resource management programs to reassure you that Bad River's membership remains committed to sound, cooperative management of Northern Wisconsin's resources whether they be on-or-off the reservation.

I would first like to draw your attention to the fact that the administration has reduced the Band's Department of Natural Resources core programs of Fish and Game Management, Hatchery Operation/Maintenance, Rights Protection, and Forestry by 43.5% since FY 1987. The Department currently maintains a tribal biologist, fish and game technician, conservation warden officer, forestry aide and a seasonal tribal fish hatchery crew who all operate under an integrated management approach of biological monitoring, enforcement of tribal conservation codes, and enhancement of fishery and forestry resources. The Bad River Band is also a participant in a Commercial Fishing Agreement with the State of Wisconsin since 1986 and an Inter-Tribal Commercial Fishing Agreement with the Red Cliff and Keweenaw Bay Chippewa Bands regarding the 1842 ceded waters of Lake Superior since 1987.

This increase in tribal resource management activities plus the increase demand from a growing population and the decrease in funding levels has severely strained the Department staff's ability to fulfill the Tribe's management responsibilities in these areas. Therefore, I am formally requesting that the Bad River Bands' FY 1991 funding levels and maintenance programs for the Fish and Game Management and Hatchery Operations be restored at the FY 1987 level at $75,000 and $50,000.00 respectively..

I would also like to draw your attention to the fact that the Band's Forestry Program has absorbed the most drastic cut of 61% to only $13,000 annually compared to last years' funding level. This is an unfortunate occurrence given the fact that approximately 60% of the Reservation's commercial forest lands are comprised of either mature or over-mature aspen which should be harvested in the near future and the fact that the Tribe has initiated a tribal timber harvesting enterprise to promote economic development. I am proposing that Congress restore the Band's Forestry Program to $33,000 for purposes of promoting timber sales, diversification of forestry resources, and supporting economic development. Restoration of the Band's Fish and Game Management, Forestry, and Fish Hatchery Operations Program is imperative given the Band's scheduling to undertake the BIA's Integrated Resource Planning Process. Without an adequate information base or active tribal participation there is little chance that the proposed Integrated Resource Planning Process or subsequent management activities will be a success.

In addition to the request to restore the Bad River Tribe's Department of Natural Resource core program to their FY 1987 funding level, the Tribe has also identified and prioritized five other areas for increased funding in the area of natural resources:

- a $100,000 increase for the Bad River Hatchery including $50,000 for Fish Hatchery Operations and $50,000 for Fish Hatchery Maintenance,
- a $500,000 increase for forestry development and the purchase of equipment,
- a $25,000 increase for the Fish and Game Management Program to participate in an Chippewa Inter-Tribal Commercial Harvest and Contaminant Monitoring Program,
- and a $35,000 increase for the purpose of providing support costs to expand fish and wildlife enhancement activities in conjunction with the Wisconsin Conservation Corps,
- $26,000 for Bad River's participation in the Bizhibayaash Circle of Flight Tribal Waterfowl Initiative.

I would also like to comment on a concern that the Bad River Tribe is experiencing with it's responsibility to implement the recently passed federal mandates for environmental protection. Neither the Bureau of Indian Affairs nor the Environmental Protection Agency are currently receiving sufficient amount of funds to meet the environmental needs of the Tribe. I respectfully request that the Committee consider allocating additional funds to either or both agencies for the purpose of assisting the Tribe to implement these mandates.

Each of the requests brought before you today will assist the Band in protecting and enhancing the Region's natural resources thereby promoting cooperative natural resource management and minimizing user group conflicts. Contrary to the misinformation promoted by rights groups, the Chippewa not only respect and protect our natural resources, but have demonstrated a history of sharing and cooperation as well.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

RICHARD GURNOE, CHAIRMAN, RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWAS

Mr. ATKINS. Red Cliff Band of Lake Superior Chippewas?

Mr. GURNOE. Mr. Chairman, members of the committee, I thank you for the opportunity to address you today. My name is Richard Gurnoe, tribal chairman, of the Red Cliff Band of Lake Superior Chippewas.

Because of continued problems with the insufficient stocking of fish, we are hereby requesting that $235,635 be added to the Bureau of Indian Affairs budget as a separate line item for the construction of a small, efficient fish hatchery on the reservation, and that $72,574 be appropriated annually to support the operation and maintenance of a facility. This is the fifth time we have appeared on this request, and we have really scaled down the model this year from the pervious years.

Our small reservation is located at the extreme northern tip of Wisconsin, on the shores of Lake Superior, overlooking the magnificent islands. Most of the reservation is timbered and unsuitable for agricultural purposes. Our only industry is fishing, the mainstay of the economy as it has been for hundreds of years.

Fishing-related jobs employ 16 percent of the tribal workforce. In 1986, we dedicated our own fish processing plant that markets the majority of our local catch by Indians and non-Indians. Since 1972, the Red Cliff tribe has possessed management status of the fishery resources in the Wisconsin waters of Lake Superior.

As tribal chairman, I am pleased to report that as of last year, the Red Cliff Band will have completed 17 consecutive years of joint management of a Lake Superior fishery with the State of Wisconsin. Red Cliff will have achieved this remarkable accomplishment through two agreements hammered out with the State at the bargaining table, in addition to the negotiated fishing agreement we have worked out with Wisconsin over the past several years.

We are now fishing under management agreements with the other two fishing tribes in our area, the Bad River and the Keweenaw Bay Chippewas. Faced with new fishery management responsibility under these agreements, the Red Cliff Tribe was able to establish a unified fishery management enforcement program in 1985 with Federal funding and has continued it to the present time.

Lake trout, the most important commercial and sport fishing species, was designated over 30 years ago. With the implementation of Federal, State, tribal, and Canadian sea-land controls, it is possible to reestablish lake trout to the stocking program.

It is estimated that just to restock the Wisconsin waters of Lake Superior will require a minimum of 447,000 yearling-sized lake trout for a year. The majority of these fish were supposed to be supplied from the U.S. Fish and Wildlife Service hatchery system. Due to chronic disease in the water and all of the problems at the

Iron River national fish hatchery, the entire stock was lost in 1986 and also in 1987. This hatchery has been unable to obtain even the minimum production level in the four years that it has been in production.

Red Cliff is signing a State-tribal management agreement for the 10 years 1986 to 1995, and our success is dependent on the production from the Federal hatcheries. The likelihood of ever receiving the nearly 450,000 stock fish called for in the State tribal agreement in any one year is suspect.

Disease of hatchery fish are not the only threat to our rehabilitation efforts. The sea lamprey population can be expected to increase due to any budget shortfalls for control pigments. The project impact, based on biological models, is that the sea lamprey abundance will double by the year 2000. Trout and salmon in abundance will decline by 50 percent.

Economic dislocation will result in our fisheries-dependent community. While it will also be needed to offset off-reservation spearing in the ceded territory waters of northern Wisconsin, this will help ensure that all user groups can come to a more friendlier term in the utilization of this important resource.

Due to a shortfall in the Bureau and BIA budgets, we are asking for money in the amount of $120,400 to expand our tribal court, education, and fire department. The attachments are included in the backup.

We are grateful for the current funding we are now receiving to support Red Cliff conservation objectives and ask that these monies be maintained.

At this time, we are also requesting directed current parks and wildlife allocation, as well as any new funding, be placed into the banded segment of the BIA budget. The Red Cliff Band is also supporting a $125,000 request to establish a Chippewa intertribal commercial harvest and containment monitoring program for Lake Superior fisheries resource.

Commercial fisherman collectively harvest an average of 1.3 million pounds of fish annually from Lake Superior waters. Monitoring tribal harvests provides information which forms the basis of Lake Superior's intertribal and tribal State fisheries management agreement.

Thank you, again, for your consideration, Mr. Atkins.

Mr. ATKINS. Thank you. I'm sure you are aware that this committee did provide funding for your hatchery last year. Unfortunately, it was lost in the conference committee.

Mr. GURNOE. We have come forward a few times here. In the House it looked good, and in the Senate it looked good.

Thank you very much.

Mr. ATKINS. Thank you.

[The prepared statement of Mr. Gurnoe follows:]

Red Cliff Band Of Lake Superior Chippewa
"The Hub Of The Chippewa Nation"
RED CLIFF TRIBAL COUNCIL
P.O. Box 529
BAYFIELD, WISCONSIN 54814
(715) 779-5805

TESTIMONY-03/12/1999

COMMUNITY FIRE PROTECTION

The Red Cliff Band has supported a volunteer fire department for the past 15 years but has always fallen short of reaching maximum prevention goals because of funding shortages. The Bureau of Indian Affairs does provide a minimal amount ($10,900) and the volunteer firemen conduct fund-raising activities, but the cost of running an efficient department are much greater than the amount the tribe has been able to generate. A further problem has surfaced as worn out and obsolete equipment needs to be replaced.

On the Red Cliff reservation there are 105 HUD homes, eight EDA/HUD buildings, 154 individually owned homes and businesses, one public school, 25 non-Indian homes, one non-Indian business and three other public buildings. The estimated value of these structures is $8.63 million.

There are three campground areas on the reservation and two marinas. Right now the fire department cannot adequately protect against potentially dangerous oil spills or fires spreading from campground fires into valuable timber stands. The department's one tanker truck does not carry enough water to extinguish large fires and, even with the vast water resource of Lake Superior at hand, the department does not have the pumps and hoses needed to access the resource nor does it have adequate means to transport the water to fires.

When firemen arrive at the scene of a fire, they don't have the protective gear or equipment they must have for safety's sake. In December, 1989, Red Cliff volunteer firemen stayed on the perimeter of a structure fire while waiting for the City of Bayfield Fire Department to arrive with the gear necessary to reach the root of the fire, but their arrival was too late and the building was destroyed.

To modernize Red Cliff's Volunteer Fire Department, equipment in the amount of $30,000 (replacements and repairs) is needed. The amount currently received from the Bureau will take care of insurance, training, fire truck payments, operating expenses and minor repairs.

The Red Cliff Band of Lake Superior Chippewas respectfully and ardently requests financial assistance in the amount of $30,000 from the Bureau of Indian Affairs for the purpose of strengthening the tribe's fire protection services.

Red Cliff Band Of Lake Superior Chippewas
"The Hub Of The Chippewa Nation"

RED CLIFF TRIBAL COUNCIL
P.O. Box 529
BAYFIELD, WISCONSIN 54814
(715) 779-5805

EDUCATION DEPARTMENT

March 8, 1990

Mr. Allan Butterfield
Accounting Department
P.O. Box 529
Bayfield, WI. 54814

Dear Mr. Butterfield:

We received 68 total budgets on Higher Education students with unmet need of $87,474.00 of that amount of students we had to turn down 19 students who had a unmet need of $34,200.00, could not fund these students.

In the Adult Vocational Program the Red Cliff Education department received 27 budgets on Vocational students which totaled to $30,281.00 with unmet need, we had to turn down 9 students who unmet need was $16,200.00.

Hope this information will be helpful.

Sincerely,

Mary M. Duffy

Mary M. Duffy
Red Cliff Education Director

TESTIMONY 3-12-90

TRIBAL COURT

The Red Cliff Tribal Court was established in 1978, initially to hear conservation matters. Since this time, the Court has expanded to handle a wide array of subjects, including motor vehicle violations, name changes, Child Welfare matters, evictions and other housing matters and even land use and environmental protection disputes. This year, the court has expanded even further, and is now authorized to hear divorce and family law matters. With the Voight trial now in federal court, the tribe's conservation responsibilities are continually expanding, as well. The ten chapters of the model off-reservation code presently in effect at Red Cliff, and the recent adoption of a timber code have also contributed to the substantial increase in the workload of our Court. Finally, there are a number of other codes currently being drafted that would increase the case load and workload of our legal department even more.

Despite continuing expansion of the Court's duties and responsibilities and the drain on resources accompanied by such expansion, there has been no corresponding increase in funding levels for this program. The Court still operates essentially as it did in 1980. Although the size of the legal department staff and amount of equipment are almost identical to when the Court operated as a "conservation court", demands placed upon this program have increased at least three-fold.

The major source of limitation that the Court program has felt has been economic. While many of the increased demands on the program have come in the last few years, our funding level has remained unchanged for the last three years - approximately $101,000.00. In actuality, this means that on top of increased demands, the Court programs has actually taken severe cuts, since costs have increased and will continue to do so, leaving little left to keep up with change, let alone make much-needed improvements.

Although the Tribal Court program has done well with its limited resources, it is now really starting to feel the strain. Based upon current expenditures, it is expected that the Tribal Court contract is under-funded by approximately $15,000.00 for FY 90, a situation which was expected when allocations were made. The following line items are in the worst shape: Salaries; Travel, Training and Consultation; Supplies; Legal Reference; and Telephone. The salary, travel, and legal reference line items are the most problematic. In order to retain quality personnel, the Tribe must be in a position to offer competitive salaries and job security. Currently, our contract permits neither. Likewise, to run an effective program, personnel must be given opportunities to become acquainted with and learned in specialized areas of the law. Under our present contract, the Travel/Training line item is used almost entirely for travel and very little for training, primarily due to the location of our reservation.

Finally, in order to run an adequate court system, the Court library must contain essential legal reference materials and be up to date. Currently, our Court enjoys neither of these advantages, although slow progress is being made.

In sum, the Tribal Court contract is entirely inadequate to meet the tribe's present needs. Unless additional monies are made available in the near future, the program will continue to degenerate, and will lose staff, either voluntarily or because of budget restraints. In addition, much-needed improvements will continue to be unattainable, and the effectiveness and efficiency of the Tribal Court itself will surely continue to suffer.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

HENRY ST. GERMAIN, VICE CHAIRMAN, LAC DE FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWAS

GARY ALLEN

Mr. ATKINS. Lac de Flambeau Band of Lake Superior Chippewas?

Mr. ST. GERMAIN. Mr. Chairman, my name is Henry St. Germain. I'm vice chairman of Lac de Flambeau. I thank you for this opportunity speak before you and your committee.

We are after money for several different programs we have going. One of them is our fish and game program in our tribe. We have a 92,000-acre reservation, 20,000 of which is water. We do all the surveys of fish stock on the reservation, and we stock walleye, muskie, northern pike, and trout.

A couple of years ago we got a CDBG grant. We built 10 200-foot raceways, which increased our costs. This is one of the reasons we're looking for add-on monies.

Mr. ATKINS. What did the raceways enable you to do?

Mr. ST. GERMAIN. We started raising trout. Right now we have between 30,000 and 35,000 pounds of rainbow trout. Our funding for this year, if there are no further cuts, will be $274,000. That is $219,000 short of what we need to keep operating. This year we will be going in our eight-month contract. We have had layoffs because of funding cuts. If we don't receive an increase this year, there will be more layoffs in our program.

We are also asking for money for our enforcement law program. At the present, we have one officer on duty. Last fall, we received a review from BIA. They gave us excellent reports on all of our programs. They, themselves, have deleted more officers.

We are asking for $40,000 in that area. That would increase the total budget we're asking for to $259,000 for Lac de Flambeau.

This year, BIA is requesting only $200,000 for maintenance. I don't believe this is enough for the tribes, and there is nothing for rehabilitation in there. We'd like this Committee to request more money be put in that program. We support the circuit court.

At the present time, we have law enforcement going on in Lac de Flambeau, but we only have one officer. We request money in that. We are looking for $96,000. We would like to expand our law enforcement program. We do have jurisdiction of traffic and several other areas. We believe we need that because the Vilas county seat is 26 miles away from the reservation. We don't get the police protection that we need.

I'll go on to our health needs. I believe at Lac de Flambeau, like all reservations in Indian country, the money is not there to support the needs of the people. We would like to ask for an increase in that. You can see in our written testimony what we are asking.

I have with me Gary Allen. He is our assistant fish and game director. I'd like for him to talk a little bit on our fish and game program.

Mr. ATKINS. Certainly. I'd like to ask you a question before we go on. You have the native Americans in health care programs. Just tell us very briefly the success of that program.

Mr. ST. GERMAIN. We have a clinic there. We have on staff right now one doctor and several nurses. I believe we are short on our contract health.

Mr. ATKINS. Those are native Americans who are——

Mr. ST. GERMAIN. Some of our nurses are native Americans; we do have them.

Mr. ATKINS. This program is a program that brings young tribal members into the health care profession and then tries to bring them back to Lac de Flambeau?

Mr. ST. GERMAIN. We just started that. We're trying to get them through the high school where they come and they can work in the clinic during the summer months or during school, and they'll get credit at school for doing this. We would like to get them interested in the idea that they would go on to school and them come back to our tribe and serve the people.

Mr. ATKINS. Right.

Mr. ST. GERMAIN. We're hoping we will succeed in that.

Mr. ATKINS. Thank you.

Mr. ALLEN. He spoke previously on the shortfalls of the contract funding, being cut back to an 8-month, after being operated for years on a 12-month basis. This could mean that a lot of fish will have to be destroyed, and we would certainly not like to have that happen. We currently have approximately 300,000 trout on hand, and that is on a year-round basis. It is usually in the springtime that walleye and other fish increase and then we have millions of fish. Eight months of running a fishery with that amount of fish on hand makes it possible that we could run into a very bad situation.

Last year, we stocked 17 walleye and 750,000 walleye eggs, and our stock of muskie was 1,000. We sell our rainbow trout to help supplement our program. We stock about 30,000 rainbow trout. I think we had 8,000 brown trout in one of our lakes on our bigger reservation. That does benefit the communities because a lot of the people from the townships come in and fish. We do have good fishing on our reservation.

Mr. ATKINS. Now you had had some problems in terms of the competition with the State of Minnesota.

Mr. ST. GERMAIN. Yes.

Mr. ATKINS. Selling their fish at below——

Mr. ST. GERMAIN. Yes. They started last year. Their fry is way lower than what we can actually do in our natural resource program.

Mr. ATKINS. Why are they doing that?

Mr. ST. GERMAIN. We have no idea.

Mr. ALLEN. What happened is that they allowed the State of Minnesota to give out, without any charge whatsoever, the fry to private hatcheries and some tribal hatcheries and things like that. The return that they get would be the fingerlings, and then they split and help each other out. That undermines quite a bit—if we had a lot of sales in Minnesota on walleye——

Mr. ATKINS. Do you expect that situation to change?

Mr. ALLEN. No, we do not.

Mr. ST. GERMAIN. Really we don't.

Mr. ATKINS. So in terms of your cost then, and your shortfall, you don't see any way to increase the revenues from your hatchery operation?

Mr. ST. GERMAIN. We have a program in the State of Wisconsin this year that will help increase it a little bit. We will be working with the State of Wisconsin on stocking, possibly in some off-reservation waters. We rely heavily on these trout sales. That is why after eight months we will probably have to get rid of our stock and not be able to sell them. That is the main problem.

Mr. ATKINS. Thank you very much.

Mr. ST. GERMAIN. Thank you.

[The prepared statement of Mr. St. Germain follows:]

TESTIMONY OF LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

House Appropriations Committee
March 15, 1990

Mr. Chairman and members of the Committee, my name is Henry St. Germain. I am the Vice Chairman of the Lac du Flambeau Band of Lake Superior Chippewa Indians in Wisconsin. I am pleased to have the opportunity to testify before the Committee today concerning several of my tribe's funding needs.

1. Fish and Wildlife

a. Description of the program. We at Lac du Flambeau are very proud of our natural resources program. The program has three components -- fisheries, wildlife, and conservation enforcement. Of these, fisheries is the largest. In our fisheries program, we maintain rearing ponds and raceways used to stock waters within the Reservation with several fish species including walleye, muskie, northern pike, and trout. The program also performs technical work such as creel surveys that determine the state of the natural fish populationand the stocking needs. This work is of great benefit to the non-Indians in the surrounding communities, as much of the open water fishing on the reservation is done by non-Indians.

The conservation law enforcement activity is also a vital part of our natural resources program. We have enacted conservation codes for members and non-members. These codes must be enforced on a 92,000 acre reservation, which includes 20,000 acres of lakes.

b. BIA review of the program. In August of 1989, the BIA Area Office reviewed our natural resources program. We received excellent reviews in all areas. The Area Director stated, "the review team found an excellent program that is providing tremendous resource protection and enhancement to the people of the Lac du Flambeau Reservation." The review team reported that "All government regulations in administering P.L. 93-638 funds are being adhered to. No fraud, waste or abuse of government property was detected. Administration and compliance regarding these funds is excellent."

c. Funding crisis. Against all of this good news, we have bad news as well. Our program is facing a funding crisis. Our base funding level from the BIA, assuming no Gramm Rudman cuts this year, is $274,000. This is $219,000 short of what is needed to run our program at the level required by our 638 contracts with the Bureau. The amount we receive is sufficient only to run the program at the full level for eight months out of the year. We have already lost several of our employees nd if we do not receive an increase we will have to make more drastic cutbacks.

The shortfall is due to several factors. Last year, several of our staff were paid under an ANA grant, which has now expired. A raceway constructed with a CDBG grant in 1986 has increased our costs, but the BIA funds have not increased to cover those costs. And, the revenues from sales of walleye fry and other fish, which we have used to supplement our BIA funding, have decreased for reasons unrelated to our management of

the fishery. For example, the State of Minnesota is currently selling walleye fry to Minnesota hatcheries at a minimal cost, and this has placed private concerns such as Lac du Flambeau's at a considerable disadvantage.

An increase of $219,000 would be needed to maintain our program at its current level. In addition, we have tremendous concerns about our conservation law enforcement program. We currently have only one law enforcement officer to handle the conservation law enforcement responsibilities. Although this officer, in the words of the BIA review team, is "a competent, dedicated professional [who] has the respect of his peers," he cannot do the job alone.

We are not only concerned over inadequacy of staff for conservation reasons. There are safety concerns as well. Again in the words of the review team, "Safety of the conservation officer is in jeopardy because of the lack of manpower [and] backups...." A minimum of two additional officers is needed, at a cost of $40,000. This brings our total request for natural resources to $259,000. We ask that these funds be earmarked for Lac du Flambeau's base budget.

d. Cyclical maintenance and rehabilitation for tribal fish hatcheries; Circle of Flight. There is a great need for BIA funds for cyclical maintenance and rehabilitation of tribal fish hatcheries. For FY 1991 the BIA has requested about $200,000 for maintenance -- which isn't nearly enough -- and nothing for rehabilitation. We ask the Committee to consider increasing the budget for this important function. We also note Lac du Flambeau's strong support for the Circle of Flight initiative.

2. Law Enforcement

The BIA refuses to provide law enforcement funding for Lac du Flambeau on the ground that Wisconsin is a Public Law 280 state. Even though the BIA withdrew the regulations that would have made this "policy" an official one, it still refuses to fund our program.

The BIA seems to believe that because the state has some jurisdiction on our Reservation, we don't need a law enforcement program. This is not true. First of all, in 1985 the state courts ruled that we have exclusive jurisdiction over traffic issues on the Reservation. We have adopted a traffic code and must enforce it. Second, the town of Lac du Flambeau does not have a police force, and the sheriff's department does not base any deputies on the Reservation. This leaves us with inadequate law enforcement. And third, as a matter of self-determination we have adopted a variety of codes that apply to our tribal members and we need the means to enforce them.

Since 1985 we have operated a small tribal police department with judgment funds. *These funds will run out after this year.* We need a modest budget of $96,878 to operate a program with two full-time officers.

We want the Committee to know that we have been operating our program with full cooperation and coordination with the non-Indian community. Our police commission has two non-Indian members, and the police department has a close working relationship with the Vilas County Circuit Court and the deputies who provide occasional patrols on the Reservation. This close working relationship would continue if we receive BIA funding.

3. Health Needs

The quality of health care in Indian country continues to decline. The funding base was inadequate to begin with, and increases have not kept up with inflation. The result is that even stable funding means significant service cuts due to rising costs. At Lac du Flambeau, we have lost six FTEs since 1986.

a. Recruitment and retention. Physician recruitment and retention have become extremely difficult, in large part because the Tribe cannot offer competitive conditions of employment. For example, our Medical Director left last year to join a local medical practice because the Tribe was not able to match a competing offer. This occurred despite a sincere and extensive tribal effort to reach agreement and the intention of the Director to stay if a reasonably competitive package could be found. We are currently trying to recruit a replacement. Based on past experience, the amount that we are allocated for our two-physician staff is $40,000 short of what is realistically needed to recruit and retain competent professionals.

Special retention pay is now available to assist with this problem, but we have had difficulty in getting access to these funds. In fact, it seems that in general, tribal programs hiring physicians directly have a difficult time getting access to this special pay. This is hindering our recruitment efforts now -- we cannot get IHS to guarantee that special recruitment pay will be available for the physician we hire. We will simply be not be able to hire anyone if the special pay is not available. We ask the Committee to direct IHS to make the special retention pay available to tribal contractors on the same basis that it is available for personnel hired by IHS.

b. Contract health. As the Committee is well aware, the lack of contract care funding has made it impossible for many of our people to obtain diagnostic tests or treatment for "non-emergency" conditions. At Lac du Flambeau alone we would need $59,000 to reduce our backlog and provide the most needed services. We ask the Committee to increase the IHS budget for non-emergency contract care.

c. New clinic facility. We desperately need a new clinic facility. The existing facility is overcrowded, over-utilized, and overwhelmed. Safety and health risks have been identified due to these conditions, but these risks cannot be remedied without either a new facility or extensive remodeling combined with new construction. Yet in spite of this severe problem, we cannot even get IHS to put a new facility for us on its priority list.

$957,276 would be required to construct an adequate facility. A less desirable approach, involving remodeling and expansion of the existing clinic, would cost $575,000 -- $380,000 for the new construction and $195,000 for the remodeling. We ask that the Committee earmark construction funds for Lac du Flambeau, or at a minimum identify our clinic as a priority site for repair and remodeling funds.

d. Indian health manpower. IHS has requested an increase in funds for Indian health manpower programs this year. Lac du Flambeau fully supports this request, and asks that $60,000 of the increase be set aside for an innovative program that we have started on our reservation. Our "Native Americans in Health Care" (NAHC) program seeks to assist young tribal members in preparing for several health care professions and to facilitate their return to Lac du Flambeau after their education is completed.

These are youngsters who without special help would not qualify for the scholarships that IHS offers. With our special mentor program, however, they have an excellent chance of success. Unfortunately, due to lack of funding our program cannot be fully developed and tested. Innovative approaches to training and recruitment of Native American health professionals are greatly needed, and providing funds for our program would be an important step in this direction.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

DON ALLERY, HISTORIAN, RED LAKE BAND OF CHIPPEWA INDIANS

Mr. ATKINS. Red Lake Band of Chippewa Indians?

Mr. ALLERY. Good afternoon, Mr. Chairman.

My name is Don Allery. I am a historian and a member of Chairman Jourdain's staff. Mr. Jourdain is unable to be here, but he has submitted written testimony with supporting documentation.

In his written testimony, Mr. Jourdain has made some very pointed remarks, I believe, about the ability of Congress to fund all the foreign nations that seem to ask for money. The requests presented by Chairman Jourdain are considered critical to the continued economic and social improvement at Red Lake. These requests were developed as a result of the self-governance demonstration project initiated by your Committee. Since then, the Red Lake Band of Chippewas have assumed executive direction of the Red Lake agency.

The individual who now serves as the administrator has had an opportunity to realistically assess the current services provided by the Bureau of Indian Affairs. This assessment has noted a critical void in the law and order budget. We request an add-on to fill that void.

Just recently we appointed a chief judge, who is a former U.S. magistrate and a practicing attorney. He has made tremendous progress in establishing an equitable court system at Red Lake. He has reviewed the system and has requested additional funds to develop some crime prevention measures, and is looking at strategies and techniques that are designed to eliminate child abuse, promote highway safety, and prevent crimes associated with alcohol and drug abuse.

Additional funding is required to improve the fire-fighting ability at Red Lake. Just recently a two-year old infant lost his life in a home fire because of inadequate fire protection.

Red Lake is in the process of developing a multi-purpose tribal information center. It will provide teaching capabilities, research, library, and interpretive services, as well as provide access to information for the people of Red Lake.

I think everyone agrees that access to both historical and contemporary information is really the basic foundation upon which social improvement and economic improvement occur. Red Lake requests a small share of this cost from Congress. Major costs are shared by State, private, and tribal resources.

We have developed a long-range plan of social and economic improvement under the demonstration grant. However, much detail still needs to be addressed. We request additional funding to continue the self-governance demonstration project.

Chairman Jourdain also requests that this Committee direct the Bureau of Indian Affairs to earmark some financial resources to fully develop the Red Lake forest products operation. We believe a

combination of loans and grants totalling $103,000 over the next two years would fully meet that need.

Chairman Jourdain, in his written testimony, expresses some very deep concern about the decrease in the Bureau of Indian Affairs' education budget. He makes recommendations about where it could be increased.

I look forward to continued improvement in the social economic circumstances at Red Lake, and we thank you for the assistance you have provided to us in the past.

Mr. ATKINS. Well, let me thank you very much. On behalf of Chairman Yates, let me express our thanks to Roger Jourdain for his kind words in his statement for the work of this Committee. I wish you good luck in your self-governance demonstration project. As you know, this Committee is very anxious to see that project work.

Mr. ALLERY. Thank you.

[The prepared statement of Mr. Jourdain as presented by Mr. Allery follows:]

TESTIMONY OF ROGER A. JOURDAIN
TRIBAL CHAIRMAN
RED LAKE BAND OF CHIPPEWA
BEFORE THE SUBCOMMITTEE ON INTERIOR OF
THE HOUSE COMMITTEE ON APPROPRIATIONS

15 March 1991

Good afternoon, Mr. Chairman. I am Roger Jourdain, duly elected Tribal Chairman of the Red Lake Tribal Council for the past 32 years.

I would first like to thank you for your past support, especially your most recent efforts with our Walleye research project funded with BIA Wildlife and Parks resources in FY 1990. That appropriation has enabled us to develop a fishery management plan, thereby insuring the long term health of the Red Lake Fishery, the only commercial walleye fishery in the United States. The Red Lake Fish Processing Plant has been in operation for three quarters of a century and has been the primary economic support for over 400 Red Lake members.

The Concept of Self-Governance

I would first like to address the major issue before the Red Lake Tribal Council, implementation of Tribal self-governance. The Red Lake Band was one of the original ten Tribes to participate in the Tribal Self-Governance Demonstration Project. We thank you for your vision and your demonstrated commitment to self-governance. We have spent the last two years in legal and budgetary research, internal tribal government planning, and organizational preparation. Based on what we have learned we have already made major improvements in tribal and BIA agency administration and service delivery.

Tribal self-governance is the cornerstone of everything that can be accomplished at Red Lake. We believe Tribal self-governance is the simple exercise of our sovereign authority to determine and to do the right thing for the Red Lake Reservation and Red Lake Band of Chippewa. But to do the right thing requires resources. Sovereignty and political rights are more than abstract intellectual concepts. The United States was willing to recognize this in Europe after World War II and, more recently, in Eastern Europe, Egypt, Israel, Nicaragua and Panama.

Chairman Yates, we appreciate your leadership and the support of your committee for BIA and IHS budget increases year after year, but it must be discouraging for you, as it is for us, that we are back again this year requesting line item add-ons to just keep a few critical programs afloat. We don't have enough money to work with, and if the overall social conditions and economic opportunities are to improve on Indian reservations, Congress must make the necessary financial commitment.

We are always cautious, told to be realistic, not to ask for too much. Billions of dollars go out in foreign aid to support fledgling governments and collapsed economies. Part of the rationale in Nicaragua and Panama is that the U.S. is partly to blame for the economic instability there. In all cases, the rationale is that it is in the moral, political and economic best interests of the U.S. to commit money. Somehow, because doing so is a priority, the money is always found. The long standing arrangement of a large inefficient federal bureaucracy and inadequate piecemeal funding has never worked. Congress must make sufficient funding for Tribal governments and economies a priority. To do so is in the moral, political and economic best interest of the U.S., and certainly the U.S. is no less responsible for "The Indian problem" than the Nicaragua and Panama problems.

Our most critical need, and a cost effective, practical way to provide jobs and raise revenue for governmental services for our people, is economic development. Our people are poor and unemployed. There is no tax base. Drug, alcohol, crime and suicide statistics exceed the national averages. We submitted the "Red Lake Economic Aid and Recovery Plan," an Indian Marshall Aid Plan, to the Assistant Secretary. The plan resulted from the research and long term planning accomplished under the Self-Governance Demonstration Project, and requests five years of grants and loans to stimulate the local economy.

I believe that over a 5 year period with a combination of grants and loans totaling 25 million dollars the Red Lake Band of Chippewa would be able to create more than 1000 new jobs during the same period. This does not count the numerous other spin offs such as improved self-concepts, other service jobs, decreases in crime due to meaningful work, improved housing and other services, and many other benefits that result from a multi-dimensional, healthy economy.

Our early comparative analysis shows that it would take 28 to 34 million dollars to meet the norms of surrounding counties. That amount would allow the Red Lake Tribal Council to provide services to members comparable to similarly sized Minnesota counties.

We believe that when self-governance is fully funded, it will ultimately be a cost-effective measure for the U.S. Government. Until that happens we must do what we can to meet the acute needs of the Red Lake Reservation; therefore, we have several specific requests.

Economic Development Request

We ask that your committee begin the Indian Aid and Recovery Plan by directing the BIA to provide sufficient operating capital to Red Lake Forest Products to allow it to fully develop. This can be accomplished by earmarking BIA grant and loan funds for our Tribe over the next 2 fiscal years. The Tribe has committed

30-252 O—90——21

$40,000 to finance a portion of the working capital for the operation of its new stationary sawmill operation. However, an additional $103,875 is still needed. A briefing paper with cash flow projections demonstrating that the mill's net income will exceed expenses during the second year of operations is included as Attachment A to this testimony.

In addition, we ask that you direct the BIA to review its wood products needs and direct them to purchase products such as common construction stakes for the Roads and Plant Management divisions from companies such as Red Lake Forest Products.

As you know, the original Red Lake Sawmill was operated by the BIA under the 1916 Red Lake Forestry Act. The BIA left the mill in economic shambles and a federal appeals court recently held that the BIA has a trust responsibility to the Band under the 1916 Act.

Fire Fighting Request

We also need additional resources to alleviate the dangers of fire. Last week alone we experienced the grief of three fires, one of which claimed the life of an infant. We need an add-on to the BIA Budget of $47,000 to support a full time fire chief and additional fire fighting equipment.

Law Enforcement and Courts Request

One of the Red Lake Band's most pressing needs is additional Law Enforcement funds to eliminate child abuse, promote better highway safety, increase drug and alcohol enforcement and prevent crimes associated with substance abuse. To accomplish this it will be necessary to obtain resources to support additional personnel, equipment and training. We are requesting that $79,000 be added to the BIA budget for Law Enforcement.

We also have a serious need for a $75,000 add-on to the BIA budget for additional support for Tribal Courts. This is not a new problem. It was predicted and highlighted in my 1987 testimony before this committee. At the end of FY'89 the court system had a backlog of over 700 cases due to the lack of funding to handle the immense volume. The problem is continually exacerbated by the normal filing of additional cases. In January of 1990 alone 184 new criminal cases were filed.

The additional support would provide for two new personnel to make the court system more functional. It would also allow the installation of a modern computer system to efficiently handle the existing workload and provide for more timely processing of divorces and other civil matters.

The law enforcement and court support requests are consistent with the problems highlighted by the BIA in its budget justification for FY 1991. Those problems are compounded at Red Lake.

Moreover, the Tribe's need and requests to BIA for increased funding in these areas are demonstrated in the documents at

Attachment B: The BIA Criminal Investigator at Red Lake, the Tribal Judge (a practicing attorney and former U.S. magistrate) and a federal administrator serving on IPA assignment as Tribal Administrator have all documented the need for increased Law Enforcement and Courts funding at Red Lake. As you will see, however, we are requesting the most critical funding (see budget at Attachment E), less that the need demonstrated in the documents at Attachment B.

Tribal Information Center Request

An urgent need, demonstrated by the Self-Governance Project and established by a community needs assessment, is the establishment of a Red Lake Tribal Information Center which would house a tribal government records center, an archives, a museum, and a library/research center. This program would allow the Tribal Government constant access to government records and professional resources, to enable Council to effectively make decisions based on empirical knowledge and current trends. The facility will also provide environmentally safe storage for tribal historic records, artifacts, and sacred items.

The State of Minnesota appropriated $165,000 in FY'89 for design development and is currently reviewing a $6.5 million dollar construction appropriation for FY'90. To compliment that appropriation we request that Congress add $100,000 to the BIA budget for site development work.

In addition, the Tribal Council has received approximately $600,000 from other sources for various components of the project. We will continue to raise private money; the long range fundraising plan includes a $10 million dollar endowment for operating, maintenance, and acquisitions.

The project description, budget, and Minnesota appropriation bill are at Attachment C.

Self-Governance Demonstration Project Request

We have identified resources coming into Red Lake from a wide variety of federal agencies. However, it is important to note that the only BIA funds we have been able to isolate are those available through the IPS system. The other funds are too convoluted for us to identify; and although we employed the services of former BIA budget analyst Tom Stangle, the BIA provided no data on non-IPS funding. We ask that you direct them to provide that data. The BIA has not followed the committee's direction to formulate a proposal for equitable distribution of resources and service responsibilities between Demonstration Tribal Governments and others. Nor has it followed the direction to prepare proposals for reduction or transfer of personnel and consolidation of programs. We ask that you direct them again, forcefully, and give them deadlines.

In light of self-governance, we are encouraged to see the emphasis on the concept of "NEW FEDERALISM FOR AMERICAN INDIANS"

which emerged from the Senate Subcommittee on Investigations Report. We will stand ready to assist with development of "New Federalism" if the Congress and the Administration respect the Tribe's plan for self-governance and provide adequate funding.

We would like to enter into the negotiation phase of the Demonstration Project, and we request the Congress to direct the Secretary of the Interior to appoint a federal negotiating team that would have the necessary stature and authority to bring a true self-governance effort to fruition; that is, a team able to effect the necessary agreements to achieve full self-governance.

To accomplish this we request that Congress add $70,000 to the BIA budget to continue our current Self-Governance Project to support the coordination of this effort at the tribal level and to obtain the necessary legal and technical support. We will be submitting a proposal soon to the BIA to effect this plan. We ask for your support in directing them to fully fund the request. The funding in combination with the identification of a negotiating team will allow the Red Lake Band of Chippewa to assume control of its destiny and at the same time alleviate the effects of the costly bureaucracy now in place at the federal level.

BIA Education Cuts

Mr. Yates, we have always counted on you to straighten out the BIA's education budget. We need your help again this year because the Interior request for '91 cuts $46,091,000 from our education programs. An analysis of the problem is at Attachment D.

Conclusion

We want to provide our support to two very worthwhile projects currently being pursued by the BIA, those contained in the "CIRCLE OF FLIGHT" document, reinstatement of BIA fish hatchery and fish hatchery maintenance funds.

Thank you for your thoughtful consideration in reviewing the requests of the Red Lake Band of Chippewa. A budget is at Attachment E. We will provide additional detail and justification as needed, and will submit our final Self-Governance Planning Grant Report to the committee.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

ARTHUR GAHBOW, CHIEF EXECUTIVE, MILLE LACS BAND OF CHIPPEWA INDIANS

EMILY SEGAR, ASSISTANT COMMISSIONER OF ADMINISTRATION

Mr. ATKINS. Mille Lacs Band of Chippewa Indians, Arthur Gahbow?

Mr. GAHBOW. Good afternoon, Mr. Chairman. I have with me my assistant commissioner of administration, Emily Segar. She will be making some comments also.

Good afternoon, Mr. Chairman. I thank you for upholding the Federal Government's commitment to government-to-government relations by honoring my request to testify in front of this committee.

My name is Arthur Gahbow, and I'm the chief executive of the Mille Lacs Band of Chippewa Indians. I will summarize my written statement. The Mille Lacs Band is one of the original 10 tribes involved in a self-governance demonstration project. We are now ready to implement self-governance. Unfortunately, the Bureau would not review any budgetary information regarding unbanded funds for the Mille Lacs Band which we needed.

In place of the BIA budget analysis, my staff has spent countless hours conducting our own in-depth study of the expenditure patterns of the State of Minnesota. We have found that the average person living in a non-Indian community has almost $4,000 spent on them. A Mille Lacs person, however, only receives services worth $728. In fact, a lower per capita amount spent by any State in this country is still 52 percent higher than the amount of services received by people in the Mille Lacs. This is an embarrassment to the United States, Mr. Chairman, which is perpetuated by this year's BIA budget request.

Although $3,000 per capita would be ideal, we will request to renegotiate with the Bureau for approximately $2.4 million. This is one-quarter of a percent of the total BIA budget and a share of the BIA funds. Out of all of the funds which are appropriated to the Bureau to provide funds and services to Mille Lacs Band we only receive 16 percent of that amount in direct funding. The other 84 percent is spent for services. However, last year the BIA staff spent less than 80 hours of service time on the Mille Lacs reservation.

Mr. Chairman, this means that on the reservation the hourly service rate is $21,000 an hour. Today, at Mille Lacs, we have a 40 percent unemployment rate, and 80 percent of our people live below the Federal poverty level. Economically, we have been destroyed. We do not have a huge private sector economy which can fund 90 percent. Of our needs, in fact, we do not even have access to that huge economy in Minnesota at $21,000.

Mr. ATKINS. Sorry. We're just getting the vote on the floor. Go ahead. We're listening.

Mr. GAHBOW. At $21,000 an hour, this is criminally inexcusable.

Mr. Chairman, the Mille Lacs Band has requested to enter into negotiations with the Secretary pursuant to Title III within a week. I will submit to you a copy of our proposal.

Congress has already established its intent to relate with tribes on a government-to-government basis. Unfortunately, I have been notified that neither the Secretary, nor the Assistant Secretary, will be present for the negotiations. Would the Congressional intent of Title III allow the Secretary to pass both financial and political decision-making authority onto a lower level staff? I doubt it. In this case, I must question the point of holding negotiations at all. If those present will not have decision-making authority, then the negotiations will actually be just informational meetings. This is an insult to both Congress and the Mille Lacs Band.

Mr. Chairman, I did not come here to request additional funds, although added funding would certainly make things easier for both the Mille Lacs Band and the Bureau. However, we are requesting the specific earmark of $2.4 million. As to which account this will come from, we will leave that up to you. However, I'm not yet planning on giving up the negotiations. As always, I am ready.

I also request that you do the following things. Number one, direct the Department of Interior to assure that the Assistant Secretary be present throughout these government-to-government self-governance negotiations. Number two, Congress must actively use its oversight power to monitor the negotiations. Number three, bypass the BIA and engage in dialogue directly with tribal governments to determine tribal need and necessary funding. Number four, allocate a fund to support the normal cost of tribal government. Number five, seriously consider implementing the recommendations of the Senate select committees and those comments prepared by tribal leaders.

Although we intend to receive a fair share of funds from the Bureau, we have yet to address what we should receive from IHS, HUD, and the Department of Education. Until that time, the Mille Lacs Band will still be plagued with unmet needs. For instance, we are in a desperate need for a school on the reservation right now. Our students must attend classes at a community building which cannot meet the minimum safety standards. This presents us with an additional $2 million need.

I want Congress to know that although we may soon receive our fair share of BIA funds, the need will not vanish until additional funding is available to combat that need.

I will end by stating that the Federal Indian bureaucracy is too complex to carry out the policies of Congress. Without the continued active support of Congress, the entire tribal self-governance demonstration project will simply be thrown into the historical archives of a bloated bureaucracy that miserably and tragically failed.

If the Subcommittee is interested in a detailed account of our project findings, I refer you to the 150-page project report which I will submit to you next week.

Thank you for the time. I would be pleased to answer any questions you might have.

Mr. ATKINS. Thank you very much. Let me just suggest that this Committee will be raising a number of the issues which you have

asked us to look into with the Bureau of Indian Affairs when they come before the committee to testify. We appreciate your concerns, and many of them are concerns that are shared by this committee.

Mr. GAHBOW. Thank you.

Mr. ATKINS. We have a vote on the floor, so I'm going to adjourn us into a brief recess. I will be back in probably 15 minutes or so.

[Recess.]

[The prepared statement of Mr. Gahbow follows:]

TESTIMONY OF ARTHUR GAHBOW, CHIEF EXECUTIVE
MILLE LACS BAND OF CHIPPEWA INDIANS
Before the House Appropriations Subcommittee On Interior and Related Agencies
March 15, 1990

Good afternoon, Mr. Chairman. My name is Arthur Gahbow, and I am the Chief Executive of the Mille Lacs Band of Chippewa Indians, in east-central Minnesota. I thank you for upholding the United States' commitment to government-to-government relations with my Tribe by honoring my request to testify before this Subcommittee.

Mr. Chairman, in 1987 the Mille Lacs Band was one of the original ten Tribes to participate in the Tribal Self-Governance Demonstration Project. For the past two years, Mille Lacs has come a long way in planning our own self-governance. The primary reason behind our success has been the continued support which Congress has found to be due to Indian Tribes. I am here today to ask that you continue that support in several ways. However, I would like to begin by summarizing our Tribal Self-Governance findings. As you may or may not recall, the ten Tribes agreed that the Project should be divided into three phases: budgetary analysis, legal analysis, and project implementation. The Mille Lacs Band is now in the final implementation phase.

Wise and prudent governance on our part, however, has required that further steps toward implementation be made contingent upon correcting a critical funding shortfall, which has been identified by our budgetary analysis. I would like to summarize our findings for this Subcommittee. We sought to identity with great specificity the fair and equitable amount of funds which the Mille Lacs Band should be receiving from the funds which are appropriated to the Bureau of Indian Affairs (BIA). This task, however, ended up being by far the most difficult of any work we conducted under this Project. Due to the BIA's complete lack of cooperation at all administrative levels, our budgetary analysis of BIA expenditures for the benefit of the Mille Lacs Band took several different turns before it stopped in a dead-end. The BIA simply would not give us any budgetary information regarding non-banded funds for the Mille Lacs Band. In other words, the only budget information the BIA gave us dealt solely with the relatively few expenditures on our Indian Priority System (IPS) budget.

I am certain that this year again this Subcommittee will be inundated with testimony against the BIA, and like my friends, I could devote the majority of this testimony to the same criticisms. However, I am not here to attempt to verbally deface what the United States has established in that agency. That would not suit my purposes for being here. If you are interested in a detailed account of our relationship with the BIA, I refer you to our final Self-Governance Demonstration Project Findings Report, which I will submit to your Subcommittee next week. For this hearing, however, I will simply state that the BIA's bureaucracy is not working for the benefit of the Mille Lacs Band of Chippewa Indians.

Since we could obtain no useful BIA budgetary information, my staff was forced to spend countless hours conducting our own in-depth study of the governmental expenditure

patterns of the State of Minnesota and its governmental localities. Our purpose was to present a comparison between the average amount expended upon one of our non-Indian neighbors living in Central Minnesota with the average amount expended upon a member of the Mille Lacs Band by our Tribal government. We have found that people living in a non-Indian community have more than $3,919 annually expended on them per capita. A person on the Mille Lacs Reservation, however, receives only $728 in services from its government. In fact, the lowest per capita amount spent by any state in the country, which happens to be Florida, is still 52% higher than the amount of services funded by the BIA and received by the people of the Mille Lacs Band through their Tribal government. This is an embarrassment to the United States, perpetuated by this year's BIA budget request.

Ideally, we would like to request that approximately $3000 dollars be expended, per capita, for the people of the Mille Lacs Band. This would mean a Tribal budget of approximately $8 million dollars, which would bring us close to the level of services which non-Indians in Minnesota receive. To be perhaps more realistic, however, we are presenting a significantly lower funding request of $2.4 million for the 2,400 tribal enrollees for whom we are responsible, derived from the President's overall BIA budget request after subtracting those programs and activities for which we cannot or choose not to contract.

Within weeks, we will present the BIA with a complete funding proposal under the Tribal Self-Governance Demonstration Project. We intend to negotiate with the BIA for at least $2.4 million dollars to operate those programs under that Project. Today we are asking your Subcommittee to earmark that amount for us under our Project. My staff has calculated that $2.4 million is the approximate amount of funds which are now appropriated to the BIA for the benefit of the Mille Lacs Band. This amount is just one-quarter of one percent (0.25%) the total BIA budget. As you know, the Special Committee on Investigations of the Senate Select Committee on Indian Affairs concluded that the most cost effective and fair manner of allocating funds to Tribes in a Self-Governance agreement was on a per capita formula. I mention this so that we are not accused of oversimplifying this issue. Moreover, Mr. Chairman, my staff is prepared to provide more statistical rationale for our request than the BIA has ever before dealt with. For instance, it is interesting to note that out of all of the funds which are appropriated to the BIA to provide funding and services to the Mille Lacs Band, we receive only sixteen percent (16%) of that amount in direct funding. The other eighty-four percent (84%) is supposed to benefit us by way of "services". However, in the past fiscal year BIA staff have spent a grand total of less than eighty (80) hours of service time on the Mille Lacs Reservation. Mr. Chairman, this means that the on-reservation hourly service rate provided by the Bureau of Indian Affairs is $21,000 dollars an hour! That $21,000 hourly rate is criminally inexcusable, given the cold, hard realities of life today at Mille Lacs

Reservation. We have a forty percent (40%) unemployment rate. Eighty percent (80%) of our people live below the federal poverty level. Economically we have been destroyed. Unlike the Minnesota State government, our Tribal government does not have a huge private sector economy which can fund 90% of our people's needs. To make matters even worse, racism, prejudice and misunderstanding continue to prevent our people from gaining access to that surrounding economy. Over the past ten years, all of the businesses which could have regenerated our economy have failed due to general economic conditions and a tremendous lack of resources and basic infrastructure on our Reservation.

The Mille Lacs Band is now prepared to enter into Self-Governance negotiations with the Secretary. Within weeks, I will submit our proposal to this Subcommittee, the Senate Select Committee on Indian Affairs, and also to the BIA's Self-Determination Office. It will consist of a 150-page Project Finding Paper and a Funding Agreement. I am sad to say that I am very uncertain that the BIA is taking seriously the negotiation process envisioned by your Subcommittee and in Pub.L. 100-472 (the 1988 Amendments to Pub.L. 93-638). Again, I could easily go on and on about all of my concerns, but would like to highlight only one. Mr. Chairman, I have been notified that the BIA plans to make neither the Interior Secretary nor the Assistant Secretary for Indian Affairs present for negotiations with our Tribe on our Self-Governance funding agreement. Instead, I have been informed that the BIA's negotiating team will consist of Agency, Area, and Central Office staff.

I must ask, when your Subcommittee fashioned this Self-Governance Project, and when Congress formulated Title III of Pub.L. 100-472, was it your intention to allow the Secretary to pass all financial and political decision-making authority onto lower-level staff? Is this, indeed, the intent of the Secretary? I very much doubt that this is so, in which case I must question the point of holding negotiations. If those present will not have decision-making authority, then the "negotiations" will actually be informational meetings. This is an insult to both Congress and the Mille Lacs Band. Congress has already established its intention that the United States and its agencies cooperate with Tribes on a government-to-government basis. I cannot illustrate the importance of that concept enough; it embodies the full recognition of Tribal government authorities.

If the BIA does what we think it will do, it will refuse to negotiate for any more funding than the paltry sums now contained in our abbreviated, short-changed IPS budget. Since it appears that the BIA is not prepared to carry out its duties under the spirit and letter of the law by providing us with our full share of those funds which are contractible, we believe it would be wholly proper for Congress to earmark the $2.4 million directly to us for the purposes of our Self-Governance Funding Agreement. This certainly would help fulfill the congressional commitment to a "New Federalism for Tribes" on a government-

to-government basis. Mr. Chairman, I did not come here to request any additional funds, although added funding would certainly make negotiations easier for both the Mille Lacs Band and the BIA. However, we are requesting this specific earmark. We leave to your discretion the account from which it is to come. As always, we are prepared to negotiate.

We also request that your Subcommittee do the following things: (1) Direct the Interior Department to assure that the Assistant Secretary for Indian Affairs be present throughout these "government-to-government" Self-Governance negotiations; (2) Establish a congressional mechanism that increases the active oversight of the BIA processes and procedures to assure the most efficient transfer of Federal funds to Tribes; (3) By-pass the BIA and engage directly with Tribal governments in determining "tribal need" and the necessary corrective funding; (4) Appropriate a special fund to directly support the normal and usual costs of tribal government (Mille Lacs has completed a comprehensive economic plan, but we desperately need a strong tribal government if our economic plan is to be a success); (5) Seriously consider implementing the recommendations of the Senate's Special Investigations Committee and those comments prepared by Tribal leaders.

I must also mention the fact that although we intend to receive our fair share of funds from the BIA, we have yet to address what we should receive from the Indian Health Service, the Department of Housing and Urban Development, and the Department of Education. Until those agencies' funding levels are increased, the Mille Lacs Band will still be plagued with significant unmet needs in the area of health, sanitation, housing, and education. For example, we are in desperate need of an on-Reservation school. Today our students must attend classes at a community building which cannot meet the necessary minimum safety standards. This presents us with an immediate need for an additional $2 million simply to obtain adequate educational facilities. I want Congress to know that although we may soon receive our fair share of those funds currently appropriated the BIA, our needs will not vanish until additional, comprehensive funding is made available to combat the decades of unmet need unaddressed by the Bureau of Indian Affairs.

I will end by stating that the Federal Indian bureaucracy is too large to carry out the policy of Congress. We strongly doubt that the BIA has the capacity to negotiate and transfer Federal funds to our Tribe under a Self-Governance funding agreement. Without the continued active support of Congress, the entire Tribal Self-Governance Demonstration Project will simply be thrown into the historical archives of a bloated bureaucracy that miserably and tragically failed to fulfill its essential mission.

I thank you for this opportunity to testify and for the strong support you have given the Self-Governance Project. I would be happy to answer any questions you might have.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

PAT ZAKOVEC, EXECUTIVE DIRECTOR, 1854 AUTHORITY

Mr. ATKINS. 1854 Authority, Pat Zakovec, executive director? Pat, you'll be testifying as well on behalf of the Grand Portage Tribe?

Ms. ZAKOVEC. Yes, I will.

Mr. ATKINS. Go ahead.

Ms. ZAKOVEC. Mr. Atkins, I'm Pat Zakovec, the coordinator of the 1854 Authority, which is a natural resource agency for the three bands in Minnesota, regarding the 5 million acres of treaty-ceded land in the 1854 treaty.

Just to bring your attention to our prioritized request, our first priority is retention of the Authority's $238,000 budget that was an add-on last year through a Congressional appropriation. The Bureau has again zeroed us out.

Our second priority is an increase of $1.7 million over the $238,000 to bring us to a total of a little over $2 million for fiscal year 1991. These additional funds requested will enable the bands to actively participate as co-managers, along with the Minnesota Department of Natural Resources and the Superior National Forest, in these 5 million acres of land in Minnesota.

We have developed a——

Mr. ATKINS. Can you tell us how you divide the responsibilities there?

Ms. ZAKOVEC. What we have done, look at the back of this, we have sat down with the cooperating resource agencies that are existing in the ceded territory at this time. We looked over their scope of work, and I think any State will tell you they don't have enough money to do real excellent projects. They do very good base management. That's where we found our niche. We sat down with the agencies and developed different projects that we know there is a need for.

These projects will benefit the band members in increased harvest levels. Every year now since the agreement began with the off-reservation, the harvest has been increasing by tribal members. We can't wait until 1997 before we increase the number of, whether it's fish, or moose, or deer, or elk—we have to start now to make sure there is enough for Indian and non-Indian alike. We found our niche. As far as the management of the program, the State and the other agencies are very happy with what we have been doing.

Mr. ATKINS. What has been your most successful project with the money that was provided last year in your estimation?

Ms. ZAKOVEC. We have achieved full cross-deputization of our game wardens with the Minnesota DNR, thereby they are authorized to enforce against Indian and non-Indian alike. DNR does the same thing. When you're looking at 5 million acres of land, two game wardens doesn't mean much.

Mr. ATKINS. If you're from Massachusetts, that's an awful lot of land.

Ms. ZAKOVEC. Okay. Basically, I think that was probably everything. We feel that we have really benefitted from working with the other management agencies. They have the years of expertise and experience in that territory to know what is needed. Most of the regional managers have been there for years. They can see the yearly changes and the needs, and we have more or less tapped into their expertise. We feel we benefit by it as well as the State of Minnesota does.

We would like to support the circle of flight waterfowl management initiative. The Authority does have two proposals in there developed under the criteria of the Wetlands Conservation Act in accordance with the criteria for the North American waterfowl management plan.

We support the request of the Native American Fish and Wildlife Society for a $100,000 increase in their budget. This year, they have done a heck of a job as far as alerting Congress and the Committees as to what the tribal needs are.

Finally, we sincerely support the Grand Portage, Red Cliff, Bad River, and Keweenaw Bay Tribes intertribal fisheries contaminant initiative for this year. Too little has been done on Lake Superior by any agency. We strongly feel that we have got to start now to look at the harvest. It is starting to affect tribal fisheries, and it is very important to these smaller fishing tribes.

Mr. ATKINS. Now who else is looking at contamination on Lake Superior other than your work?

Ms. ZAKOVEC. In fact, this plan was developed in cooperation with the Great Lakes Fish and Wildlife Commission and the U.S. Fish and Wildlife Service out of Ashton. They have the technology and people and equipment we need to do this, but they don't have the money to do it. Therefore, if we can come in with the money the way we did for the five band it is much more efficient, rather than each one doing a separate project. It really pared everything down, but yet the work is going to get done.

Mr. ATKINS. Great. Thank you very much.

[The prepared statement of Ms. Zakovec follows:]

1854 Authority
FY 1991
Appropriations Testimony

Mr. Chairman, Members of the Committee, my name is Patricia M. Zakovec and I am the Coordinator of the 1854 Authority (Authority). On behalf of our member tribal governments, I would like to thank you for the opportunity to appear before you today regarding the Bureau of Indian Affairs Fiscal Year 1991 Appropriations request.

The Authority's member tribes have a service population of over 6,000 members residing in the state of Minnesota. The Authority's purpose is to protect and enhance the treaty rights of the Bois Forte and Grand Portage Bands on lands ceded by the 1854 Treaty with the Chippewa. The treaty rights to hunt, fish, trap and gather are regulated by an Authority Off-Reservation Code as part of a Memorandum of Agreement the Bands have signed with the state of Minnesota.

The Authority would like to bring your attention to our prioritized request for funding. The first priority is retention of the Authority's $238,000 budget that was added-on through a Congressional appropriation in FY 1990. Our second priority is an increase of $1,767,160.00 over the $238,000. This increase would bring our total budget to $2,005,160.00 for FY 1991. These additional funds are requested to enable the Bands to actively participate as co-managers along with the Minnesota Department of Natural Resources and the Superior National Forest, in the 5 million acres of ceded lands in northeastern Minnesota.

Tremendous progress has been achieved by the 1854 Authority in developing an administrative, enforcement and judicial organizational structure. Conservation codes for deer, bear and moose hunting, trapping and fishing have been implemented.

The largest thrust of the new funding would be to implement the Integrated Natural Resources Co-Management Opportunities plan within the Authority's Biological Services Division (see attached copy). This plan was developed with cooperation from the;

Bureau of Indian Affairs

U.S. Fish & Wildlife Service

Minnesota Department of Natural Resources

Great Lakes Indian Fish & Wildlife Commission

Superior National Forest

Native American Fish & Wildlife Society

The Authority feels that through cooperative efforts with these other management agencies, sound technical resource management projects have been developed and are only awaiting their institution. The cooperating agencies listed have many years of experience and expertise at resource management in this ceded territory. The Authority has been very successful in these and other cooperative efforts and most definitely benefits from combined experience of these agencies.

The Bands have identified moose, deer, waterfowl, furbearer and Lake Superior fisheries as the most likely species targeted for harvest. The Authority must start now to develop management plans to coincide with the ever-increasing harvest levels. This can only be accomplished through biologically sound long-term management plans. These plans then have to be followed by appropriate additional off-reservation codes.

Following the conclusion of the code development phase, the Enforcement Division must also be increased for compliance. The Enforcement Division will continue to be cross-deputized with the Minnesota DNR to further maximize human resources and decrease the frequency of violations.

Our third and final request is that the $2,005,160 figure become the Authority's base budget at the Bureau of Indian Affairs through 1997. 1997 is the last year of the 10 year Memorandum of Agreement between the Bands and the state of Minnesota. It is hoped that these years of cooperation between the Bands and the state will foster on environment whereby in 1997 the parties will again collaborate on another Agreement.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

PAT ZAKOVEC, GRAND PORTAGE TRIBE

Mr. ATKINS. The second half, Grand Portage Tribe?

Ms. ZAKOVEC. I have been designated by the Grand Portage Tribe to provide some testimony for this Committee at this time.

The Grand Portage band is supporting the $125,000 request to establish a Chippewa intertribal commercial harvest and contaminant monitoring program for Lake Superior fisheries resources. Commercial fisherman from the Grand Portage, Red Cliff, Bad River, Keweenaw Bay, and Fond du Lac Chippewa Bands collectively harvest an average of 1.3 million pounds of fish annually from Lake Superior waters. Monitoring tribal harvests provides information which forms the basis for Lake Superior's intertribal and tribal State fisheries management agreements.

Under the proposed program, the Grand Portage, Red Cliff, Bad River, Keweenaw Bay, and Fond du Lac Chippewa Tribes would each receive $25,000 annually that would be directed towards this project. They would be involved in every phase of the monitoring.

The Grand Portage band also supports the funding request for the circle of flight waterfowl initiative. The band does have two proposals included in that initiative.

Mr. ATKINS. What are those proposals?

Ms. ZAKOVEC. They are basically in the improvement areas, increasing nesting habitat for migratory birds. I believe one is right on the edge of the reservation and does go off into the ceded territory, but they've got some excellent wildlife refuge areas up there that we really should be——

Mr. ATKINS. Would this provide management an expansion for those?

Ms. ZAKOVEC. Yes, it would.

The Grand Portage band also supports the testimony request for funding of the native American Fish and Wildlife Society and the new tribal initiative for fisheries and wildlife management projects by native American Governments

Thank you.

Mr. ATKINS. Thank you very much.

[The prepared statement of Ms. Zakovec follows:]

GRAND PORTAGE
FY 1991
Appropriations Testimony

Mr. Chairman, Members of the Committee, my name is Patricia M. Zakovec and I am the designee of the Grand Portage Band of Lake Superior Chippewa in providing you this testimony. I thank you for the opportunity to appear before you today regarding the Bureau of Indian Affairs Fiscal year 1991 Appropriations request.

The Grand Portage Band is supporting a $125,000 request to establish a Chippewa Inter-Tribal Commercial Harvest and Contaminaat Monitoring Program for Lake Superior's fisheries resource. Commercial fishermen from the Grand Portage, Red Cliff, Bad River, Keweenaw Bay and Fond du Lac Chippewa Bands collectively harvest an average of 1.3 million lbs of fish annually from Lake Superior waters. Monitoring tribal harvests provides information which forms the basis for Lake Superior's inter-tribal and tribal/state fisheries management agreements. Under the proposed program the Grand Portage, Red Cliff, Bad River, Keweenaw Bay and Fond du Lac Chippewa Bands would each receive $25,000 annually in BIA direct funding to expand tribal fisheries management programs and meet the needs of their respective tribes.

The Grand Portage Band Supports the funding request for the "Circle of Flight" waterfowl initiative. The band has two proposals included in that initiative.

The Grand Portage Band also supports the testimony and request for funding of the Native American Fish & Wildlife Society, Tribal Initiative for Fisheries and Wildlife Management Projects by Native American Governments.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

GEORGE DUPUIS, VICE CHAIRMAN, FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWAS

LARRY SCHWARTZKOPF, NATURAL RESOURCE MANAGER

Mr. ATKINS. Fond du Lac Band of Lake Superior Chippewas?

Mr. DUPUIS. Good afternoon, Mr. Chairman.

Mr. ATKINS. Good afternoon.

Mr. DUPUIS. My name is George Dupuis, vice chairman of the Fond du Lac Lake Superior Band of the Chippewas. With me I have Larry Schwartzkopf, natural resource manager.

I'd like to thank you for the opportunity to present our fiscal year 1991 appropriations request for our natural resource and forest project proposals.

The Fond du Lac reservation is one of six bands in the Minnesota Chippewa Tribe. There are approximately 4,200 Fond du Lac band members. The Fond du Lac reservation encompasses approximately 100,000 acres and is located 20 miles west of Duluth, Minnesota.

The fisheries, wildlife, wild rice, and forest resources on Fond du Lac are very important to the band members for their cultural, subsistence, and recreational significance. The natural resource proposal contained in this document addresses the highest priority resource management needs of the Fond du Lac reservation.

The total amount being requested is a $360,000 increase to the existing natural resources and forestry project budgets, which are approximately $100,000. The reason we're requesting these funds is that in our wild rice lakes, the water table has dropped down tremendously. We harvested 4,000 pounds of wild rice last year compared to 40,000 pounds in the previous year.

We have to have manmade dams put into our streams coming in from the lakes. Our beavers are moving into the mainstreams of the rivers and damming it up. We have to move the beaver back into the natural habitat and get our rice crops back up to standard.

We are supporting the request from the 1854 agreement. Fond du Lac is also supporting the native American Fish and Wildlife Society.

If you have any questions, I have with me Larry Schwartzkopf.

Mr. ATKINS. Tell me, regarding your problem with the decline of the fishery in the St. Louis River. Are you able now to have a plan to deal with problems created by the hydroelectric dams, or is that still in process?

Mr. SCHWARTZKOPF. That still is in process. We're working cooperatively with the Minnesota Department of Natural Resources, the U.S. Fish and Wildlife lab, Fish and Wildlife Service, and the EPA water lab in Duluth. There are environmental questions as well as fisheries and water control problems in this situation. They have been working cooperatively with us, but the fisheries studies were barely adequate, and we decided in that process to develop as much co-management of the fisheries studies as possible with Min-

nesota DRN and with Minnesota Power using the fish and Wildlife service. That's the way to develop cooperative study projects.

We have a two-year vocational program for training natural resource technicians. We have——

Mr. ATKINS. Where is that work done?

Mr. SCHWARTZKOPF. Out of the Fond du Lac. It is through a State-funded vocational program. Fond du Lac also has a community college program, which hopefully will expand our natural resources and biological training of Indian and non-Indian students.

Mr. ATKINS. Thank you.

Mr. DUPUIS. Thank you.

[The prepared statement of Mr. Dupuis follows:]

FOND DU LAC RESERVATION
FY-1991
APPROPRIATIONS TESTIMONY

Mr. Chairman, Members of the Committee, my name is George Dupuis. I am the Vice Chairman of the Fond du Lac - Lake Superior Band of Chippewa. I would like to thank your for the opportunity to present our Fiscal Year 1991 Appropriations Request for our Natural Resources and Forestry Project Proposals.

The Fond du Lac Reservation is one of six Chippewa Bands in the Minnesota Chippewa Tribe. The Reservation was established in 1854 by a Treaty with the United States Government. Currently, there are about 4,200 Fond du Lac Band Members. The Fond du Lac Reservation encompasses approximately 100,000 acres, and is located 20 miles west of Duluth, Minnesota.

The fisheries, wildlife, wild rice, and forest resources on Fond du Lac are very important to the 4,200 Band Members for their cultural, subsistence, and recreational significance. The natural resource proposals contained in this document address the highest priority resource management needs of the Fond du Lac Reservation.

The total amount being requested is for a **$360,000** increase to the existing Natural Resources and Forestry Program budgets. This is our highest priority funding request. We request that the U.S. Congress and the Bureau of Indian Affairs fulfill their Trust responsibility to the Fond du Lac Band by assisting in their efforts to protect their resources.

Our second highest funding priority is that Fond du Lac's waterfowl projects in the "CIRCLE OF FLIGHT" be funded. Our two waterfowl habitat projects for the USF&WS-North American Waterfowl Management Plan total **$70,000** for FY-1991. Our third priority is that the request for **$125,000** for the Chippewa Inter-Tribal Commercial Harvest and Contaminant Monitoring Program for Lake Superior be funded.

FOND DU LAC RESERVATION

The Fond du Lac Natural Resources Program and the Forestry Program have developed these fisheries, wildlife, wild rice, and forest management projects in cooperation with the U.S. Fish & Wildlife Service, the Minnesota Department of Natural Resources, the U.S. Environmental Protection - Environmental Research Lab in Duluth, the Agency for Toxic Substance and Disease Registry, and the U.S. Geological Survey. These programs are managed by a professional fisheries and wildlife biologist and professional forester. There also is a two year vocational program on Fond du Lac for training Natural Resource Technicians. We believe that these programs will be able to carry out these cooperative natural resource management projects.

The Fond du Lac Natural Resources Management Plan and Environmental Assessment is scheduled to be finalized and fully adopted by June of 1988. This Integrated Resource Management Plan has established the priorities and natural resource management goals for the reservation. The Natural Resource and Forestry Project Proposals reflect these priorities and take into consideration those resource issues and concerns which require immediate attention. The level of funding requested is a realistic assessment of the resource management needs of the Fond du Lac Band.

FOND DU LAC RESERVATION

SUMMARY BRIEF
FY-1991 CONGRESSIONAL ADD-ON
BIA APPROPRIATION REQUEST

Introduction

The Fond du Lac Reservation is one of six Chippewa Indian Reservations in the Minnesota Chippewa Tribe. It was established by Treaty with the United States Government on September 30, 1854 (Stat. 1109). Presently there are some 4,200 Fond du Lac Band Members. Fond du Lac is located about 20 miles west of Duluth, Minnesota.

The Fond du Lac Reservation encompasses approximately 100,000 acres, of which 21,364 acres is Indian Trust Land. There are approximately 3,200 acres of lakes on the Reservation, 1,900 acres of wild rice lakes and associated wetlands, and 66 miles of cool water streams. The St. Louis River is the most important subsistence and sport fishery.

The topography and post glacial soil types on Fond du Lac are quite variable. The forest types vary from the upland conifers: red and white pine, jack pine and balsam fir, to the lowland conifers: tamarack, black spruce, and white cedar. The predominant hardwoods are aspen, birch, red and sugar maple, and northern red oak. The forest and wetland wildlife habitats support a diverse wildlife population.

The major game species on Fond du Lac include white tailed deer, ruffed grouse, and various waterfowl species. The federal endangered species on the Reservation are the bald eagle and the gray wolf.

The Fond du Lac Natural Resources Program and the FDL Forestry Program are responsible for managing the fisheries, wildlife, wild rice, and Tribal forest resources on Fond du Lac. These programs are managed by a professional fisheries and wildlife biologist and a professional forester. There also is a two year vocational program for training natural resource technicians on the Reservation. The Natural Resources and Forestry Programs are capable of protecting, enhancing, and managing the natural resources on the Fond du Lac Reservation.

FY-1991 APPROPRIATION REQUEST

The Bureau of Indian Affairs presently contracts a Natural Resources Program and a Forestry Program on Fond du Lac, through P.L. 638. However, these sums are insufficient to offer appropriate protection to their Trust assets. It certainly is insufficient to enhance and improve the environment in a manner that is in the best interest of the Band and those assets. The appropriation requests being made in this instance are a more realistic assessment of the resource management needs of Fond du Lac. The total amount being requested is for a **$360,000** increase to the program budgets for FY-1991. It is fully within the obligation of Congress and the BIA, pursuant to their Trust responsibility, to assist the Band in meeting it's obligation to protect their resources.

FOND DU LAC RESERVATION

STATEMENT OF PURPOSE TO REQUEST SUPPORT FOR FY-1991 FUNDING

The Fond du Lac Reservation encompasses approximately 100,000 acres, and is located about 20 miles west of Duluth, Minnesota. It is one of six Chippewa Reservations in the Minnesota Chippewa Tribe. The Reservation was established in 1854 by a Treaty with the United States Government.

The fisheries, wildlife, wild rice, and forest resources on Fond du Lac are very important to the 4,200 Band Members for their cultural, subsistence, and recreational significance. The Fond du Lac Natural Resources Program and the Forestry Program have undertaken the task to protect, enhance, and manage these resources. The fisheries, wildlife, and forestry proposals contained in this document address some of the highest priority resource management objectives of the Fond du Lac Reservation. We request that the U.S. Congress fulfill their Trust responsibility to the Fond du Lac Band by assisting in their efforts to protect their resources.

The Fond du Lac Reservation requests that these proposals be funded for FY-1991. The total funds requested for FY-1991 is **$360,000**. This amount is a realistic assessment of the needs to protect the natural resources of the Fond du Lac Band.

The Fond du Lac Natural Resources Management Plan and Environmental Assessment is scheduled to be finalized and fully adopted by June of 1990. This Integrated Resource Management Plan (IRMP) has established the priorities and natural resource management goals for the Reservation. The Fond du Lac Band Members have prioritized the natural resources which need management as follows: 1) wildlife; 2) wild rice; 3) fisheries; 4) aesthetics; 5) fuelwood; 6) timber cutting; and 7) recreation. The project proposals presented to Congress in this document reflect this imperative and also take into consideration those resource issues and concerns which require immediate attention.

The St. Louis River Mercury Contamination Study will address our concerns about the mercury in the fish consumed by our Band Members and other citizens. The Channel Catfish and Walleye Population Study on the St. Louis River is essential to the long term management and recovery of this fishery. The Hatchery Feasibility Study (page 3) is necessary to prepare the planning for a hatchery to assist in the long term rehabilitation of the depleted fish stocks. One of the major factors causing the decline

of the St. Louis River fishery is the operations of the hydro-electric dams on the river. We are working cooperatively with State and Federal resource agencies on the current St. Louis River FERC Relicensing Studies. These studies will assist us in restoring this fishery and prevent potential litigation with the power company. The FDL Natural Resource Manager is also working on the St. Louis River Remedial Action Plan.

The Wildlife Management Projects (pages 4 & 5) were developed to enhance wildlife habitat through well designed forestry practices and to increase our database on wildlife populations and habitat. The Wild Rice Management Project (page 6) will improve our capabilities to manage and restore wild rice lakes on Fond du Lac. An additional effort by the FDL Natural Resources Program to enhance waterfowl habitat, as well as improve and restore several wild rice lakes on Fond du Lac, has been our project proposals in "Circle of Flight". This waterfowl habitat initiative through the North American Waterfowl Plan (USF&WS) is also being presented to Congress for funding. The two projects total **$70,000** for FY-1991. The FDL Natural Resources Program is managed by Larry SchwarzKopf, a professional fisheries and wildlife biologist. Fond du Lac also has a two year vocational program which trains natural resource technicians.

The Fond du Lac Forestry Program has prepared a proposal for implementation of the Wildlife/Forestry Portion of the Fond du Lac Integrated Resources Management Plan (page 7), which will increase their ability to better design forest harvest practices to enhance wildlife habitat. Proper management of the forests on Fond du Lac to benefit wildlife populations will require additional staff to accomplish this goal. Plans to cooperated with the other forest management agencies and enterprises on Fond du Lac will also benefit our long range goals. The FDL Forestry Program is managed by Steve Olson, a professional forester and firefighter.

The Fond du Lac Reservation retains certain fishing, hunting, and gathering rights in the 1854 Ceded Territory. This area includes much of the Arrowhead Region of Minnesota. The Fond du Lac Tribal Council is continuing to cooperate with the State and the 1854 Authority on efforts to co-manage this area.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

GEORGE BENNETT, EXECUTIVE DIRECTOR, AMERICAN INDIAN BUSINESS DEVELOPMENT CONSORTIUM

TOM TOPASH, CHAIRMAN, MICHIGAN COMMISSION ON INDIAN AFFAIRS

DWIGHT STEEPLE, COFOUNDER, FOUR WINDS DEVELOPMENT CO.

Mr. ATKINS. American Indian Business Development Consortium?

Mr. BENNETT. Good afternoon, Mr. Chairman.

We have submitted our testimony in writing, and we'd like to abbreviate that, if we may, to save some time.

Mr. ATKINS. That would be fine.

Mr. BENNETT. We appreciate the——

Mr. ATKINS. If you could just identify who is with you.

Mr. BENNETT. Okay. I'd like to introduce the chairman of the Michigan Commission on Indian Affairs, Mr. Tom Topash, who represents the Governor's office in the State of Michigan. I'd like to introduce Mr. Dwight Teeple, who is co-founder of the Four Winds Development Company, one of the companies that we helped assist in getting created.

We are appreciative of being here today. We first came before this Committee three years ago seeking assistance. At that time, we were hoping to be self-sufficient by this point in time. Unfortunately, we weren't able to do that, and we'll explain why in just a moment.

We have a need to continue our relationship for another year or so. We are seeking support for $300,000 to continue our economic development initiatives on behalf of the seven recognized tribes in the State of Michigan. They all sit on our board of directors, as well as private businessmen and urban centers.

I'd like to explain the use of the monies that have been provided to us thus far. First of all, we have been able to be quite successful in creating 27 new businesses within our State creating 175 jobs. We have also encouraged the facilitation of joint ventures, so we created actually six joint ventures between Indians and non-Indians. We are working hand in hand daily to provide technical assistance to troubled businesses as well.

We'd like to share with you some of the problems we had when we first secured our funding. In year one, we received an appropriation of $425,000, of which was managed by the State of Michigan in the amount of $200,000. We had problems receiving that money through the Bureau of Indian Affairs. We did not receive notification of those funds until August 1, 1988. That was three months after I came on board as the new executive director.

We were in a use or lose state. Consequently, my board of directors decided to divide that money up between the six recognized tribes to do community economic profiles and infrastructure planning as designated within our seven-point plan. As a result, we did not receive any operational monies that year for our initiatives.

In our second year of funding, we had an opportunity to embark on a new business industrial development appropriation. Those funds are still intact. We received $425,000, and those funds are presently invested to be held so that we can secure our license.

Business industrial development corporations are BIDCOs and are authorized in the State of Michigan. They will be the first of our kind in the country. We will be able to provide small business loans to our Indian constituency. Many of them do not have the opportunity to go into the local funding institutions and secure loans. We will be able to assist them in that endeavor.

In order to fully capitalize the $425,000, we applied for and received, a grant of $170,000 from the Administration for Native Americans. We have hired two staff people, and we expect to be fully operational in December of this year. We move doubletime. We were advised by the State of Michigan that it would take us two years. We have cut that down to a year.

Last year, we came before this Committee, and this will be the first support dollars that we ourselves will realize. The State has funded us at the tune of $105,000 in conjunction with the funding that we are receiving this year. We received $300,000. We would like to continue that relationship.

We'd like to share with you, in summary, some of the projects we have been involved with. We have developed, in conjunction with the Sault Ste. Marie Housing Authority, a home demonstration home ownership program funded by the Michigan State Housing Development Authority in the State of Michigan. We're doing a 10-unit project. These will be mortgage home loans taken out on Indian land.

We have been involved with the acquisition of land. Many of our tribes are very short on land. Consequently, we have had two industrial parks set up in the past year seeking to diversify our economies within our State. We have helped the Keweenaw Bay Indian Community in the financial packaging of their restaurant and motel complex, which is a $1.8 million project. This will net about $250,000 annually to that tribe.

We're working with developing the small businesses, such as a surveying company. We have projects in the pipeline that we're working on at the present time. We have some 135 Indian-owned businesses within our State at the present time that we're working with.

We have a project that we're working on to acquire a Michigan lake resort complex, which is approximately another $108 million. I think our relationship with the State of Michigan is second to none. We want to continue that working relationship.

We have also devised the self-sufficiency plan where we do not want to come back to the Federal Government to seek funding. We want to do it on our own. Hopefully, within the next two years, we will be able to do that. We have laid out a plan. We want to continue this relationship.

I want to end my remarks by saying that we appreciate being here.

Mr. ATKINS. Thank you for your testimony. Now under present plans, then, you would hope to get an appropriation this year, and

then that would be the last Federal appropriation that you would have?

Mr. BENNETT. It may be, yes. That's what we're hoping for.

Mr. ATKINS. But that's your present plan?

Mr. BENNETT. Yes.

Mr. ATKINS. What would cause that to change?

Mr. BENNETT. I don't believe that it would change. We are anticipating doing quite a number of economic development projects which would generate income to us, such as we've been asked to be an affiliate for the national rural development finance appropriation here in Washington, D.C. These will generate revenues to us. We're also developing our own approach to developing a business which will keep us operational, so that's part of our goal.

Mr. ATKINS. Right. Thank you very much.

Mr. BENNETT. Thank you.

[The prepared statement of Mr. Bennett follows:]

American Indian Business
Development Consortium, Inc.

1235 Woodmere
Traverse City, MI 49684
(616) 941-5858
Fax (616) 941-4616

**STATEMENT OF GEORGE E. BENNETT, EXECUTIVE DIRECTOR
AMERICAN INDIAN BUSINESS DEVELOPMENT CONSORTIUM, INC.
BEFORE THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE
March 15, 1990**

Mr. Chairman, I am George E. Bennett, Executive Director of the American Indian Business Development Consortium, Inc. (AIBDC), a non-profit technical services organization working on Indian economic development in Michigan. I bring you greetings for the seven (7) federally recognized Indian Tribes in Michigan who are members of the AIBDC Board. Thank you for the opportunity to address the Committee today. Accompanying me are Mr. Tom Topash, Chairman of the Michigan Commission on Indian Affairs to indicate the State of Michigan's support for our request and Mr. Dwight Teeple, co-founder of the 4 Winds Development Company, an Indian owned consulting firm established with our assistance.

INTRODUCTION

First, I would like to thank the Committee for the support provided to AIBDC in the past three years. In 1987 when we came to Congress for assistance to establish AIBDC, we had contemplated being self sufficient within three years. However, circumstances have not worked out entirely as we have to request that the Committee continue its investment in AIBDC in FY 91. We need a little additional time to become self sufficient and develop an income stream to operate the organization without federal support. Included in our testimony is a summary of our plan to accomplish this objective.

Under current Indian policy, the federal government has stressed economic development as a means of self sufficiency, but in Michigan the Bureau of Indian Affairs has failed to provide any meaningful assistance to the Tribes, urban Indian communities and individual Indian businessmen. The BIA will only provide technical assistance on a competitive basis for those projects requesting BIA funding. I think it is fair to say that the BIA has totally failed to provide any economic development assistance in Michigan, and as a matter fact, the BIA is usually part of the problem rather than the solution.

AIBDC was created in 1987 by Tribal leaders in Michigan as a means of meeting their technical assistance needs related to economic development planning and specific business projects. AIBDC is a Michigan-chartered non profit, tax-exempt organization under the direction of a 17 member Board including the seven (7) federally recognized Tribes, individual Indian businessmen and the public sector.

AIBDC was conceived when the Tribal leaders and the State of

Area Development Office
206 Greenough St.
Sault Ste. Marie, MI 49783
(906) 635-6050

Business Development Center
814 W. Saginaw
Lansing, MI 48915
(517) 485-8644

Michigan, working cooperatively, decided to emphasize economic development as the major focus of self sufficiency efforts for Michigan Indian population of 61,000. Most of the Tribes in Michigan do not have the institutional skills or resources to hire consultants to conduct business planning, development and management. The State agreed to provide financial assistance, which is a welcome precedent in Indian country and encouraged us to also seek federal support. In 1987, a group of tribal leaders and state representatives came to Congress to request an appropriation of $2.5 million for AIBDC which was the basis of our three year self sufficiency plan. This amount was not provided and we also encountered some other problems which has forced us to change our target date of self sufficiency. While we have received federal appropriations for the past three years totaling $1.15 million, this is still $1,350,000 less than our total requested funding in 1987.

ACCOMPLISHMENTS

AIBDC has made progress in assisting Tribes and individual businessmen with business projects. Since 1987 we have been a catalyst for the establishment of 27 new businesses which created 175 jobs. We have facilitated 6 joint ventures between Indians and non-Indians. We have provided counseling, (management and financial) to restructure troubled businesses.

Our staff provides the following types of services: developing business plans, marketing strategies, accounting assistance, financial planning, legal structuring, referrals to funding sources, business counseling to individual and tribal businesses; promotion of joint ventures, and restructuring or other assistance for troubled businesses. We also serve as a clearinghouse to provide information about federal and state loan and grant programs and other business opportunities to the Tribes and individual Indian businessmen in Michigan.

Since 1987, we have focused on establishing a first-rate infrastructure necessary to work effectively with the Indian community, State government and federal agencies. The AIBDC office is located in Traverse City, Michigan staffed by six professionals. We have first rate computer capability necessary for the technical assistance we provide and to link with other funding sources for an economic development data base. A summary of our year-by-year progress follows:

Year I (FY 1988): AIBDC received a federal appropriation of $425,000 and State funds of $200,000. There was a considerable delay in the receipt of this funding from the BIA and we did not get any advice of allotment until August 1, 1988 which put us in a "use it or lose it" situation. To avoid losing the money, the Board decided to distribute seventy percent of funds directly to the six federally recognized tribes for the preparation of Economic Profiles and other baseline data and work necessary to undertake specific business projects. These plans are now bearing fruit and have resulted in 8 specific new businesses on the reservations. As a result, AIBDC as an organization did not receive a basic operational budget in Year I which hampered its ability to proceed with development.

Year II (FY 1989): AIBDC received a federal appropriation of $425,000 which has been placed in escrow to capitalize a "Business and

Industrial Development Corporation" (BIDCO). Under Michigan State law, BIDCO's are licensed, regulated and authorized to provide loans to businesses which cannot obtain financing from traditional lending sources. The formation of the BIDCO was prioritized by the Board with the encouragement of the State which will provide matching funds to capitalize the BIDCO. The BIDCO will be operational in FY 1990 and begin making business loans. The BIDCO will become a permanent revolving loan source of capital for small Indian businesses in Michigan. In FY 1989, AIBDC also applied for and received a two-year ANA Grant totaling $170,000 which provided funding to coordinate the establishment of the BIDCO.

Year III (FY 1990): We received a federal appropriation of $300,000 and State funds of $105,000. These funds will comprise the first basic operational support for AIBDC and will enable us to provide direct technical assistance services and continue working on our plan toward self sufficiency.

In the past year, AIBDC worked on the following projects which are operational:

- Sault Ste. Marie Tribal Home Ownership Demonstration Program, financed by the Michigan State Housing Development Authority and Tribal Housing Authority
- Two tribal land acquisition projects for Industrial Parks
- A Van conversion joint venture which will create 8 jobs
- The establishment of two Indian owned fishing companies which will create 6 jobs and self employment
- The Keewenaw Bay Tribal motel-restaurant complex which will create 49 comstruction and 10 permanent jobs and $250,000 annually to the Tribe
- Ottawa Enterprises joint venture with a playground equipment manufacturer which will create 15 jobs
- DPS&A -a surveyor company in Southern Michigan

We are currently working on the following projects:

- Providing a variety of technical assistance services to over 135 individual and tribal Indian businesses
- Acquisition of a Lime Stone Company by a private Indian businessman
- The BIDCO will be operational in December 90. This will be the only Indian BIDCO in the nation capable of providing financing for businesses both on/off the reservation that traditional banks will not finance
- Tribal acquisition of a lake resort complex
- Initial planning for the establishment of an Indian Credit Union, a priority established by the Tribes to more effectively manage and control tribal financial resources
- Initial implementation of an AIBDC Self Sufficiency Plan
- Indian Enterprises Zone Development on and off reservation at Benton Harbor & Sault Ste. Marie, Michigan

RELATIONSHIP WITH THE STATE OF MICHIGAN

A unique aspect of AIBDC is that the State of Michigan has supported our organization with funding for the past 3 years. We are designated as one of the Michigan Community Growth Alliance Agencies

(CGA) which enables us to receive state funds. As a CGA, we provide a direct communication link between the Michigan Indian community and the State and have enjoyed a cooperative relationship with the State government and agencies.

AIBDC SELF SUFFICIENCY PLAN

As with any organization, the Board and executive direction is critical to the success of the organization. Within the last year, we have established a Board primarily of individuals with business expertise and employed a new Executive Director who has established the priority of generating income to operate AIBDC without federal support within two years. The key elements of this plan are as follows:

1. With State approval, AIBDC will be an affiliate of the National Rural Development & Finance Corporation from which we will receive a fee for each loan approved by them. Projected income in FY 91 is $30,000.
2. We are implementing a User Fee Schedule expected to generate $25,000 to $30,000 per year.
3. We will be implementing a Tribal Development Fee schedule projected to generate $21,000 annually.
4. State funding should continue at $98,000 per year.
5. AIBDC will establish a revolving loan fund providing yearly income of $20,000.
6. Establishment of "Finders Fees" for Procurement Center expected to generate $50,000 per year.
7. Development of a fundraising campaign to secure other corporate and foundation sources of operational support.
8. Establish a small business such as: Travel Agency, Accounting/Bookkeeping Service - owned by AIBDC.

REQUEST

We are requesting an earmark of $300,000 from the BIA Economic Development grant line-item for the American Indian Business Development Consortium in FY 91. Due to the circumstances discussed in this testimony, we find that we are in critical need of continued federal support. We urge the Committee to evaluate the benefits to be realized by the modest amount of funds we have requested and to be assured that AIBDC is committed to reducing our reliance on federal funds soon as possible.

This request is supported by the Michigan Indian Tribes who created the organization to serve their needs. It is supported by the Indian businessmen which have benefited from our assistance. It is supported by the State of Michigan which realizes the benefits of seeing more Indian people gainfully employed or as tax paying businessmen. We hope that it will also be supported by the Committee.

Thank you for your consideration.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

DEWEY SCHWALENBERG, EXECUTIVE DIRECTOR, NATIVE AMERICAN FISH AND WILDLIFE SOCIETY

PAT ZAKOVEC

JOHN BANKS

Mr. ATKINS. Native American Fish and Wildlife Society, Dewey Schwalenberg. If you could just for the record identify the people who are with you at the table.

Mr. SCHWALENBERG. I'm Dewey Schwalenberg, the executive director of the Native American Fish & Wildlife Society. This is Pat Zakovec, the president of——

Mr. ATKINS. That's the third time, Pat.

[Laughter.]

Mr. SCHWALENBERG. This is John Banks, who is the northeastern regional director.

Mr. ATKINS. Thank you. We just need that for our record to help out the recorder. Go ahead.

Mr. SCHWALENBERG. Thank you. We appreciate the opportunity to testify. We have some concerns about the Bureau of Indian Affairs' handling of fish and wildlife.

Mr. ATKINS. Is that the only area of concern you have with the BIA? [Laughter.]

Mr. SCHWALENBERG. That's the area we'd like to speak to today.

Mr. ATKINS. Okay. I just wanted to be clear on that.

Mr. SCHWALENBERG. The main concern that we have is that we believe that the 1990s will be the decade of partnerships in fish and wildlife management. We see very cooperative management programs being developed up in the northwestern region of the country with the State recognizing the tribes up there and the fisheries.

We see a lot of problems around the country with tribes beginning to develop cooperative working relationships. I guess we wonder why, with the type of management concerns and needs that the tribes have, we see the President's budget this year is requesting $936.4 million for fish, wildlife, and recreation, two new national programs, Legacy 99 and America the Beautiful, being instilled. Yet, when we look at the Bureau's budget we see zero dollars requested for any involvement by tribes in these projects.

We have testified over the last six years to the fact that tribes have equal and significant management opportunities on reservations to provide resources in common with the Federal Government for these projects, but we see no monies being allocated, specifically, to these national issues.

As an example, the wetlands conservation project that currently has been approved last December, looks like there should be $26 million available for wetlands conse vation work. The tribes have established an initiative of approximately $2 million for the wetlands conservation work through the circle of flight programs or through about 12 other tribes that are involved with those same

issues. We are requesting the funds, but we see no direct mechanism for tribal involvement in these Federal programs.

We testified also that tribes have interest in recreational fisheries. We personally have been asked to sit on the planning committee with the Fish and Wildlife Service for the American recreational fisheries policy and have found that the director of the Fish and Wildlife Service is interested in working cooperatively with tribes. Again, we see the Bureau not requesting any type of funding to implement these particular projects.

We also find that there are significant questions on things like who is responsible for endangered species work with the tribes, or who is responsible for all of the other fish and wildlife work because we see statements in the Bureau's budget that say that they do not receive funding for endangered species work so, consequently, they don't do endangered species work.

These types of problems and projects, I should say, have been highlighted in the initiative that we have developed with 53 tribes for this year. The total initiative is $6.8 million worth of funding requests. Again, question: If the tribes are interested in dealing through the society to determine some of those projects, and if other tribes are willing to testify to the Appropriations Committee for projects, then why are we not seeing any requests coming from the Bureau of Indian Affairs to meet those specific requests?

We not only intend to complain about the Bureau of Indian Affairs' lack of responsibility for this, we also would like to offer some creative suggestions on how tribes can participate more fully in the existing funding. We feel that probably the underlying thing that has to be accomplished is tribes need to be treated on an equal basis as co-managers of their resources and be allowed to participate under the existing Federal programs.

The Dingell-Johnson and Wallop-Breaux funding programs for fish and wildlife enhancement, as an example, certainly has gone from a $56 million program approximately six years ago up to approximately $400 million this year. The question again is if the tribes are conducting exactly the same type of management activities, why are we not able to see a certain percentage of money set aside? It is our understanding that there is no language in these acts that prohibit the tribes from participation. On the other hand, there is no language that says a tribe should participate as well.

Working with the tribes, the society, is attempting to develop a long-term resource management process, planning process, if you will, that we feel is lacking with the Bureau of Indian Affairs at this point. We would like to explore the possibilities of some of the existing funding mechanisms for tribes, keeping in mind that tribes assume the same management responsibilities, pay the same taxes under the Federal excise program to fund some of these programs, and subsequently we believe should be entitled to participate as well.

I think it just means we need to establish a mechanism if the Fish and Wildlife Service is interested in assuming the trust responsibility to the tribes and working directly for grant funding for these programs. I believe the tribes would be willing to do that as well.

On behalf of the Society, I noticed a number of tribes have testified on behalf of us. We have been operating on a $135,000 budget for the past three years, and we have assumed an awful lot of responsibilities such as putting out newsletters, doing national conferences, doing five regional conferences, and many direct systems programs to the tribal governments right on the reservations themselves.

We would be interested in receiving an additional $100,000 so that next year we will be able to work with 50 more tribes, and that will bring the number of tribes we are directly serving up to approximately 120 tribes.

I have some information and am willing to answer any questions you might have. If there are none, thank you for listening.

Mr. ATKINS. Well, thank you very much. I appreciate your good work. Did you have additional backup material you wanted to give us, or do we already have that?

Mr. SCHWALENBERG. You have that. We handed a lot of this out earlier.

Mr. ATKINS. Okay. Thank you.

Mr. SCHWALENBERG. Thank you very much.

[The prepared statement of Mr. Schwalenberg follows:]

NATIVE AMERICAN FISH & WILDLIFE SOCIETY

750 Burbank Street • Broomfield, Colorado 80020
Phone (303) 466-1725 • FAX (303) 466-5414

FY91 TESTIMONY
before the
HOUSE SUBCOMMITTEE on
INTERIOR & RELATED AGENCIES
Honorable Sidney R. Yates, Chairman

Mr. Chairman, Distinguished Committee Members, and Fellow Witnesses:

I m Dewey Schwalenberg, Executive Director of the Native American Fish & Wildlife Society .

The Native American Fish & Wildlife Society is a non-profit 501(c)(3) Indian organization of 39 member tribes, over 500 professional Indian resource managers and technicians, 400 non-Indian professional fish and wildlife persons and 15 affiliate organizations that work on-reservation with Tribal Governments. The Society's main objective is to provide training and technical assistance to Tribes in developing cooperative fish, wildlife and recreation management programs to inter-face with the professional management entities of the state, federal and private sector.

While the Society has amassed a record of national professional involvement and accomplishment, the organizational growth has suffered from lack of funding due to no increases over the past three years. In addition, inflation and Graham/Rudman reduction by the BIA have reduced budgets of the Society for provision of services. The Society therefore needs an increase of $100,000 to service the requests of the Tribes in FY91.

Following are the accomplishments of the Society over the past year: The Society has conducted one national and six regional technical conferences to support the education and training efforts that increase understanding and participation by Tribes in professional FWR management. It has provided a medium to explore the existing Tribal management capabilities and initiatives in its **newsletter publication, "From the Eagle's Nest"**, which is published on a quarterly basis. The Society operates a **non-profit Public Charitable 501(c)(3) IRS Tax Exempt Colorado Corporation**, and supports a Public Information Office and Technical Services Office to directly assist the regional Tribal members in promotion of sound management projects. It has established 25 working committees to coordinate the business of integrated Tribal resource management across the country; and maintains the administrative integrity of the national office in Broomfield, Colorado. Along the way, the Society has supported increased involvement by Tribes in national management initiatives

(e.g. Wetland Conservation, Waterfowl Management, Recreational Resource Management, Fish and Wildlife Enhancement, Cultural and Heritage Preservation, etc.), to promote Tribal professional management development and involvement. Of greater significance is the fact that the Society has become the clearing house for Tribal management projects that have been overlooked by the Federal agencies who have made no requests in the FY91 budget to meet these Tribal management initiatives (see attachment). Fifty-six (56) Tribes are currently participating in the Native American Fish & Wildlife Society Tribal Initiative for Fisheries and Wildlife Management Projects by Native American Governments. These Tribes are requesting 6.68 million dollars for support of Tribal management of fish, wildlife and recreation resources. This situation serves to identify the true management conflict that exists in Indian country today -- namely that if the BIA cannot secure the funds, manpower, or programs to do the management job FOR the Tribes, then the BIA will not support increased funding directly to the Tribal programs to accomplish the necessary management objectives. This position by the BIA, we feel, is diametrically opposed to the P.L. 93-638 "Indian Self-Determination" philosophy that is currently administrative policy. Tribes and the Society have attempted to "638" contract numerous projects through the BIA, but were ultimately forced to seek assistance by the Native American Fish & Wildlife Society. The following list indicates the Tribes that were directly served during the past year by Society staff and Board of Directors members:

Three Affiliated Tribes, ND	Chemehuevi Tribe, CA	White Mt. Apache, AZ
Eastern Band of Cherokees, NC	Cheyenne River Sioux, SD	Shoshone Bannock, ID
Crow Creek Sioux, SD	Hualiapi Tribe, AZ	Penobscot, ME
Keweenaw Bay, MI	Northern Cheyenne, MT	Lac Vieux Desert, ME
Passamaquoddy, ME	Maliseet Tribe, ME	Bois Forte, MN
Oglala Sioux Tribe, SD	Blackfeet Tribe, MT	Fond du Lac, MN
Sault Ste. Marie, MI	Seminole Tribe, FL	Grand Portage, MN
Pueblo of Taos, NM	Turtle Mt. Chippewa, ND	Leech Lake, MN
Yakima Tribe, WA	Miccosukee Tribe, FL	Mille Lacs Band, MN
Tunica Biloxi Tribe, LA	Coushatta Tribe, LA	Red Lake, MN
Chitimacha Tribe, LA	Round Valley Res., CA	White Earth, MN
Bad River, WI	Lac Courte Oreilles, WI	Lac du Flambeau, WI
Menominee Tribe, WI	Oneida Tribe, WI	St. Croix, WI
Stockbridge-Munsee, WI	Jicarilla Apache, NM	Klamath Tribe, OR
Navajo Nation, AZ	San Carlos Apache, AZ	Southern Ute, CO
Nez Perce, ID	Salish-Kootenai, MT	Laguna Pueblo, NM
Santa Clara Pueblo, NM	Nambe Pueblo, NM	San Ildefonso, NM
Picuris Pueblo, NM	Pueblo of Zuni, NM	Muckleshoot, WA
Quileute Tribe, WA	Coeur d Alene Tribe, ID	Conf. Umatilla, OR
Sisseton-Wahpeton Sioux, SD	Jamestown Klallam, WA	Lower Elwha, WA
Nisqually Tribe, WA	Nooksack Tribe, WA	Puyallup Tribe, WA
Shoalwater Bay, WA	Skagit Systems Co-op, WA	Stillaguamish, WA
Tulalip Tribe, WA	San Juan Pueblo, NM	1854 Authority, MN

The real issue of concern for the Society and Tribal Governments lies in the fact that the Bush Administration has requested a record $936.4 million for wildlife management and conservation activities under the U.S. Fish & Wildlife Service for Fiscal Year 1991. This represents an increase of over $49.4 million from the FY90 budget of $887 million. Two new initiatives have been presented in the President's Budget that are of interest to Tribes as well. The first is "Legacy 99," a program designed to reduce the extensive backlog of rehabilitation projects at national wildlife refuges, fish hatcheries, and research laboratories. The second, "America the Beautiful" provides funding for protection of wetlands, strengthening of endangered species programs and acquisition of significant new wildlife lands.

Following are the increases targeted for federal agencies over the FY90 budget:

Endangered Species & Wetlands Project	$54.5 million
Wetlands Protection and Conservation	35.9 million
North American Waterfowl Conservation Funding	25.0 million
Dingell-Johnson/Pittman-Robertson Sport Fishing and Hunting Enhancement	50.7 million
U.S. Forest Service	50.0 million
National Park Service	60.0 million
Bureau of Land Management	19.0 million

With such a national priority in fish, wildlife and recreation funding, it seems incongruous that the BIA budget for support of Tribal management activities identical to those listed above should have "no increased funding requests," while calling for the loss of $4.486 million of wildlife and Parks funding -- a reduction of $1.232 million in Tribe/Agency funds and only $3.221 in the Tribal Management/Development Program.

The truth is that even with the increased national funding initiatives, the BIA has not requested additional financial assistance to include Tribal Governments in these program activities.

The North American Waterfowl Management initiative serves as an example of how the BIA Office of Trust has failed to support Tribal waterfowl management programs. Although the U.S. Fish & Wildlife Service stands to receive $26 million in FY91 through the Wetlands Conservation Act, recently signed into law by President Bush, the lack of representation of Tribal management concerns in new federal initiatives by the BIA, in violation of **Trust Responsibility**, means that Tribes cannot accomplish similar management activities. That Tribes and their organizations are not represented at the national management table by the BIA and the U.S. Fish & Wildlife Service and must approach Congress and the Appropriations Subcommittees directly to secure technical management funding is a testimony to the Tribes' desire to achieve self-determination and management self-sufficiency, and the BIA/U.S. Fish & Wildlife Service incapability to work toward Tribal management objectives.

These management projects that Tribes are willing to initiate, should be ranked up with state or territorial government projects that currently are being funded by Sport Fish/Wildlife Enhancement funding (Dingell-Johnson/Pittman-Robertson/Wallop-Breaux) or any of a number of other Federal wildlife funding acts. This can only be the case if this Committee recognizes the inherent inequity of the current funding mechanism that Tribes are subject to and the lack of representation that the BIA continues to promulgate concerning the Tribes' management initiatives.

This year, the Society and Tribes have initiated a cooperative working relationship with the International Association of Fish & Wildlife Agencies (IAFWA) and the American Recreation Coalition (ARC) to emphasize the inter-governmental importance of these management issues. Both these organizations have discussed the Tribal projects, determined the relevancy to all potential resource users in this country, and have expressed concern for the BIA's disregard for the wishes of the Tribal Governments to have these projects funded. Disregard by the Committee in elevating funding levels to meet these resource management needs would serve to de-emphasize the importance of Tribal natural resources and Tribal government management initiatives to the country as a whole. Supportive funding will serve to notify Tribal Governments that their resource management priorities are essential to the well-being of the nation and the Tribal membership, and that additional professional management projects will be supported by the current Administration.

Please carefully consider the inter-relationship that Tribal management must have with the ever-expanding national FWR programs that are developing by supporting the Society's request for $100,000 to increase training and technical assistance to 50 additional Tribes during FY91, and the Tribal Initiative request of $6.68 million. Without direct participation by Tribal resource management programs, the 90 million acres of Tribal habitat will decline as a potential resource of Tribal Governments and the Nation.

Thank you for the opportunity to testify in behalf of this issue.

Respectfully submitted,

Dewey Schwalenberg
Executive Director
Native American Fish &
Wildlife Society

Attachment

BAFWS TRIBAL INITIATIVE FOR
FISHERIES & WILDLIFE MANAGEMENT PROJECTS
BY NATIVE AMERICAN GOVERNMENTS

BREAKDOWN BY REGION

	Southwest		Pacific		Plains		Great Lakes		Northeast		
	No. Tribes	Amount Requested	No. Tribes	Amount Requested	No. Tribes	Amount Requested	No. Tribes	Amount Requested	No. Tribes	Amount Requested	Totals
Wetlands	2	$ 65,400	2	$ 793,252	1	$ 50,000	10	$1,014,500	1	$ 233,549	$ 2,156,701
Wildlife	10	466,747	3	285,655	5	315,128	0	0	0	0	1,067,510
Fisheries	7	326,760	16	2,700,839	5	312,703	0	0	0	0	3,340,410
Recreation	2	92,637	0	0	0	0	0	0	0	0	92,637
Totals		$971,592		$3,779,796		$677,911		$1,014,500		$233,549	$6,677,278

WETLANDS PROPOSALS:

Tribe Name	Amount Requested
White Moutain Apache, AZ	$ 25,400.00
Shoshone-Bannock Tribe, ID	358,000.00
Penobscot Nation, ME	233,569.00
Keweenaw Bay, MI	151,000.00
Lac Vieux Desert, MI	25,000.00
Bois Forte, MN	20,000.00
Fond du Lac, MN	70,000.00
Grand Portage, MN	5,500.00
Leech Lake Reservation, MN	20,000.00
Mille Lacs Band of Chippewas, MN	000.00
Red Lake Tribe, MN	105,000.00
White Earth Band of Chippewas, MN	65,700.00
1934 Authority, MN	70,000.00
Red River Band of Chippewas, WI	26,000.00
Lac Courte Oreilles Chippewas, WI	49,010.00
Lac du Flambeau Chippewas, WI	50,000.00
Menominee Tribe, WI	29,600.00
Oneida Tribe, WI	4,000.00
St. Croix Band of Chippewas, WI	134,700.00
Stockbridge-Munsee Tribe, WI	13,490.00
Sault Ste. Marie Chippewa, MI	110,500.00
Jicarilla Apache Tribe, NM	40,000.00
Mandan, Hidatsa, Arikara Tribes, ND	50,000.00
Klamath Tribe, OR	435,232.00
Total Amount Requested	**$2,136,701.00**

WILDLIFE PROPOSALS:

The Navajo Nation, AZ	$ 96,094.00
San Carlos Apache Tribe, AZ	10,000.00
White Mountain Apache Tribe, AZ	30,500.00
Southern Ute Tribe, CO	138,025.00
Nez Perce Tribe, ID	200,000.00
Blackfeet Tribe, MT	125,000.00
Salish, Kootenai Conf. Tribes, MT	190,128.00
Laguna Pueblo, NM	196,220.00
Santa Clara, Nambe, San Ildefonso, Picuris Pueblos, NM	4,740.00
Pueblo of Zuni, NM	11,168.00
Muckleshoot Indian Tribe, WA	7,535.00
Quileute Tribe, WA	78,100.00
Total Amount Requested	**$1,067,510.00**

FISHERIES PROPOSALS:

White Mt. Apache Tribe, AZ	$ 25,000.00
Coeur D'Alene Tribe, ID	149,982.00
Shoshone-Bannock Tribe, ID	192,530.00
Salish, Kootenai Conf. Tribes, MT	220,000.00
Jicarilla Apache Tribe, NM	71,600.00
Laguna Pueblo, NM	131,700.00
Picuris Pueblo, NM	19,947.00
San Ildefonso Pueblo, NM	15,360.00
Santa Clara Pueblo, NM	44,191.00
Turtle Mt. Chippewa Tribe, ND	79,806.00
Conf. Tribes of Umatilla, OR (3 Tribes)	275,000.00
Sisseton-Wahpeton Sioux Tribe, SD	12,977.00
Jamestown S'Klallam Tribe, WA	138,595.00
Lower Elwha S'Klallam Tribe, WA	192,450.00
Muckleshoot Indian Tribe, WA	13,989.00
Nisqually Indian Tribe, WA	102,091.00
Nooksack Indian Tribe, WA	29,000.00
Puyallup Tribe, WA	54,760.00
Quileute Tribe, WA	1,033,900.00
Shoalwater Bay, WA	94,480.00
Skagit Systems Co-op, 4 Tribes of WA	214,600.00
Stillaguamish Tribe, WA	91,700.00
Tulalip Tribe, WA	129,572.00
Total Amount Requested	**$3,340,410.00**

RECREATION PROPOSALS:

Nambe Pueblo, NM	$ 37,061.00
San Juan Pueblo, NM	55,576.00
Total Amount Requested	**$92,637.00**

GRAND TOTAL **$6,677,278.00**

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

GAIASHKIBOS, CHAIRMAN, LAC COURTE OREILLES TRIBE
EUGENE BEGAY

Mr. ATKINS. Lac Courte Oreilles Tribe? If you could just, for the recorder, identify yourselves formally that would be helpful.

GAIASHKIBOS. Good afternoon. My name is Gaiashkibos. I'm the chairman from the Lac Courte Oreilles Tribe. Accompanying me today is Dr. Eugene Begay, who works with me on all tribal matters.

It is an honor, first of all, and I also want to say hello to Ms. Johnson. Please extend our good will to Mr. Yates.

Mr. ATKINS. I'll do that.

GAIASHKIBOS. He is a champion on Indian rights and has been a good friend over the years.

In Wisconsin, for your information, the Indian peoples are suffering. It is caused by a small fringe radical group that is attempting to modernize our Indian treaty rights. I want you to know that these fringe groups that are purporting to speak for all the good citizens of Wisconsin are just a small group of people that don't represent the majority of people. We ask that Congress reaffirm and resolve to stand with us as we ward off this threat to our very existence.

For your information, Lac Courte Oreilles is being cited as a model of cooperation in northern Wisconsin as we exercise our off-reservation treaty rights. Our hand remains extended to our good non-Indian neighbors and our friends in northern Wisconsin. I just want to state that for the record.

Also, I want to state that the Bureau of Indian Affairs has been very untimely again. Just this Monday, the 12th of March, I received the budget justification for fiscal year 1991. I also want to say that for the record.

Looking back through our testimony, our testimony for the last several years has virtually remained the same regarding our commitment and our priorities in terms of education. I'll just touch on these very briefly.

In terms of education, we asked for last year an amount of approximately $350,000, the same amount, to increase and augment our future salaries. We have a Bureau contract school which has about 165 students in K through 12. In our school system, our teachers are underpaid. The average salary is $15,000 per annum. We are a training facility. We get a lot of young new teachers in, and they work with us, they get some experience for two years, and they go on to the public school system. We cannot compete. Last year the Bureau of Indian Affairs appropriated money for their school system using the equalization formula, but it did not affect the contract schools. I think that has to be corrected. We are asking for $350,000 to correct that.

Mr. ATKINS. What is the salary differential between your schools and the public schools?

GAIASHKIBOS. I would say the public school system would probably average—a starting teacher would probably make about $20,000 to $24,000 per year. Our teachers make about $14,500 to $15,000.

I'm just skipping around here a little bit because you can read our testimony. It will be entered in the record. We are asking also for the construction of three buildings for three facilities. If you looked at last year's testimony, it remains the same. We're asking for $3 million to fund, design, and construct a 30,000 square foot standard-size school gymnasium that would meet the needs of our young children.

Right now, I'll invite you out to Lac Courte Oreilles to personally tour our reservation and look at the facility that we are presently operating under. It was a garage at one time. We don't have a pool system, but each spring because of runoff and the fact that the garage was underground, we have a swimming pool for our children because it floods every year. I have been asking for this for several years. Back in 1984, we were eighth on the priority list. We were moved up to number four, I believe, and that was the last of that system. There were no future new construction monies available.

We are also asking for a 15,000 square foot early childhood community learning center. That is also within the Bureau budget for early childhood. Right now we serve approximately 100 early childhood children, primarily in Headstart, ages three to five, and these young children are temporarily housed in our tribal administration center. This is a hardship upon them and also for us. They actually need their own building so that they could get a much better head start in terms of furthering their education.

We are also asking for a new addition onto our health care center. We are the only JCH accredited health care center in Wisconsin. From the day we opened our doors until right now, we are overcrowded already. We cannot take care of the clients. We have two full-time positions. There needs to be a correction in our testimony. It states that there is one. We have two full-time positions. We are looking for a third. Our patient load right now is nearing 9,000 per year. We are looking for an expansion of approximately, I believe, 8,000 square feet, and this is going to run approximately $250,000 for the planning. Actually, the construction, again, is going to run $250,000. The tribe initially put in our own money. We also used BIA money and some HUD money when we first developed this facility.

The last thing I want to talk to you about is the shortfall our tribe experienced back in 1981. Our indirect cost rate was approximately 28.1 percent. The tribe was going to go into a receivership because we were overdrawn at the bank, in other words, and we had to go through Congress. Congress appropriated approximately $450,000 from our trust fund dollars. In that testimony, they stated that one day down the road they would reimburse this back to the tribe for economic development purposes. That is what we'd like to see happen. If we need to develop some language for an amendment or develop our own bill on this, we are prepared to do that.

Mr. ATKINS. For the record, if you could provide any historical record of what you feel was the commitment for the Committee that would be a help.

GAIASHKIBOS. I will provide that to you, sir.

Mr. ATKINS. Thank you.

[Material was not submitted to the Subcommittee at the time of printing.]

GAIASHKIBOS. At this time, I would like to just ask Mr. Begay if he has something to add. I know our time is real short. Gene?

Mr. BEGAY. The tribe has always considered the possibility of retroceding under Public Law 280 in the State of Wisconsin. Our tribal council has gone on record as wanting to move in that area. We are requesting $100,000 to allow us to begin to plan and do some legal research in that area to retrocede out of the State of Wisconsin.

We have many conflicts that involve jurisdiction of the local police force on our reservation that could well be resolved if the tribe assumed jurisdiction over its own territory. We're looking forward to beginning to plan to retrocede out of the State of Wisconsin jurisdiction under Public Law 280.

We also have a fish hatchery that is already in operation, but we need additional funds to supplement its service to the reservation natural resource product that we continue to develop and also to do the biological surveys on the fish and wildlife in our area.

Mr. ATKINS. Thank you very much.

GAIASHKIBOS. Thank you very much, Mr. Chairman. You have a good day.

Mr. ATKINS. Thank you.

[The prepared statement of Gaiashkibos follows:]

TESTIMONY OF GAIASHKIBOS, CHAIRMAN
OF THE LAC COURTE OREILLES BAND OF
LAKE SUPERIOR CHIPPEWA INDIANS

BEFORE
THE HOUSE SUBCOMMITTEE ON
APPROPRIATIONS FOR INTERIOR AND
RELATED AGENCIES
MARCH 15, 1990
WASHINGTON, D.C.

Chairman Sidney R. Yates, and members of the subcommittee, I thank you for the invitation to testify on the FY '91 proposed budget of the Bureau of Indian Affairs and the Indian Health Service. Assisting me today is Eugene A. Begay who expedited my presence here today and consulted with me in the preparation of this testimony.

In your letter of invitation you indicated that the first paragraph should clearly state the agency and appropriation to which the request is directed and the amount of funding involved. I will testify first on the Bureau of Indian Affairs, and follow with the Indian Health Service.

BIA EDUCATION

School Operations - increase by $350,000 to provide increase in salary for 23 teachers, 2 administrators and 1 new curriculum developer. The average teacher salary in our school system is currently about $15,000 per annum. This would increase each salary by an average of $12,000 per annum, which would bring salaries up to about minimum standard level for this region of the country. It would provide a similar increase for the principal and superintendent (K-12 administrator). This would also provide for the employment of an urgently needed curriculum developer at an annual gross salary of $30,000, plus $20,000 for supportive materials, equipment, and services. This is a special add-on request to the FY '91 base earmarked specifically for the Lac Courte Oreilles Tribal Contract School.

BIA - TRIBAL SERVICES

Self - determination Services - increase by $100,000 to provide for the research and development of a tribal plan to retrocede out from under the provisions of PL-280 in the State of Wisconsin. The funds will be used to employ staff, provide travel; and materials, equipment, and administrative services. This is a special add-on-request to the FY '91 base earmarked specifically for the Lac Courte Oreilles Tribal Government.

Social Services - We recommend that all Bureau programs designated as "All other Social Services" be terminated, and the $2,107,000 requested for FY '91 funding be reapportioned and distributed to the Agency level bureau-wide to establish funds for tribes to apply to for developing and implementing programs of service to the elderly and physically handicapped. These programs would be administered by each tribe and operated under policy developed in consultation with the elderly. The Lac Courte Oreilles Chippewa Tribe is ready to implement such a program in the amount of $125,000 for the urgently needed services to our elderly.

Tribe/Agency Operations (Community Fire Protection) - increase agency funding pool by $75,000 to provide for urgently needed funds to train volunteer firefighters, repair exisitng fire fighting equipment, purchase additional equipment, and meet personnel costs. This is a special add-on request to the FY '91 base earmarked specifically for the Lac Courte Oreilles Chippewa Tribe.

BIA - ECONOMIC DEVELOPMENT PROGRAM

Indian Business Development Grant Program - increase by $100,000 to provide the full-time employment of an Economic Development Specialist employed by the tribe to promote the attraction of existing businesses off-reservation to expand onto the reservation. Funds will be used to plan reservation industrial sites, develop promotional brochures, develop legal descriptions of advantages for business to expand on Indian reservation, develop cooperative efforts with local business associations off-reservation to promote development of infrastructures and best utilization of utilities. Funds would be used for legal research, travel, materials, administrative services, equipment, and developing business plans. This is a special add-on-request to FY '91 base earmarked for the Lac Courte Oreilles Chippewa Tribe.

BIA - NATURAL RESOURCES DEVELOPMENT

Wildlife and Parks (Fish Hatchery Operations) - increase by $96,000 to staff and operate a new fish hatchery currently under construction on the reservation. This program will complete biological surveys to monitor fish and game populations with the U.S. Fish and Widelife Service and other management agencies; including the enhancement of the tribes natural resources by restocking fry and fingerlings into area lakes, constructing fishcribs, and maintaining widelife openings. This is a special add-on-request to the FY '91 base earmarked specifically for the Lac Courte Oreilles Chippewa Tribe.

BIA - CONSTRUCTION

Buildings and Utilities - increase by $3,000,000 to plan, design, and construct a 30,000 sq. ft. standard size school gymnasium with public seating, locker rooms, light kitchen serving area, lobby/display room, office rooms, storage room, and utility/maintenance rooms. Supplemental funding will be applied for through other resources, i.e., HUD, State of Wisconsin, etc. This is a special add-on-request to the FY '91 base earmarked specifically for the Lac Courte Oreilles Chippewa Tribal School System.

Building and Utilities - increase by $1,500,000 to plan, design, and construct a 15,000 sq. ft. early childhood community learning center. The center will house the currently operating Lac Courte Oreilles Headstart Program and Day Care Program. The Headstart program is currently housed in a temporary portion of the tribal office building at great inconvenience to the children and government operations of the tribe. This is a special add-on-request to the FY '91 base earmarked specifically for the Lac

Courte Oreilles Early Childhood Development Program.

BIA - CONTRACT SUPPORT FUNDS - Increase by $450,000 for reimbursement of contract support funds. The Office of Inspector General, beginning in 1980 and 1981 approved our Indirect Cost Rate at 28.2 percent, however we found that a substantial number of contracts would not have the capabilities to pay the full rate either because of inadequate appropriations or because of legislative limitations. Over these years we under recovered our expenses and went into debt a total of $450,000. We then requested special legislation to overcome this indebtedness by having to borrow $450,000 for our escrow land-claims account to overcome problems caused by the federal government's own borrowing from our escrow land claims money to prevent interruption to the contracting relationship with the federal government and fiscal management system of the tribe. We were assured that the federal government through its appropriation process, would provide reimbursement to overcome our Indirect Cost recovery system. This is a special add-on-request to the FY '91 base earmarked for the Lac Courte Oreilles Chippewa Tribe.

INDIAN HEALTH SERVICE

Health Care Services - increase line item by $250,000 to allow fo planning of expanded clinic facility. The Lac Courte Oreilles Tribe operates a comprehensive health center that was outgrown the day the facility opened. Lac Courte Oreilles Community Health Center was the first tribally operated Joint Commission accredited facility in the Midwest. During FY '89, we provided primary health care to over 4,000 American Indians and Alaska Natives in Northwest Wisconsin. In order to meet the increasing needs of this population we must expand our clinic facility. Based on IHS standards, our Tribe needs to construct and additional 8,500 sq. ft. of clinic space. We therefore ask that $250,000 be set aside in the facilities line item for planning and design of this expansion in FY '91. During FY '92, we will also be asking for an additional $750,000 for construction of these needed facilities.

Indian Health Manpower - increase in line item by $256,000 to add 6 new medical staff to our health center. Our health facility is overused to the point that during many working days it must turn patients away. During an average clinic day our one full-time physician sees as many as 40 patients. In order to remedy this situation, we will need to add another full-time physician, nurse, lab technician, and pharmacist to our staff. We also need to hire additional community health and administrative personnel. Therefore, we ask that $256,000 in salaries and fringe benfits be added to the Tribal Management line item to allow us to hire needed positions during FY '91.

Catastophic Care - During FY '89, the Lac Courte Oreilles Chippewa Tribe had several catastrophic cases that were not reimbursed as allowed by law due to the fact that IHS was short of funds. This placed a very great hardship on our program and tribal families. We therefore encourage the Congress to fully fund this important program area during FY '91.

Overview of the Lac Courte Oreilles
Band of Lake Superior Chippewa Indians (LCO)

The LCO Tribe is located in northern Wisocnsin near the town of Hayward and within Sawyer County. A little over 5,000 members are enrolled in the Tribe. Approximately 3,500 members reside on a 75,000 acre reservation. The Tribe is federall-recognized and is located within the Minneapolis Area of the BIA, and the Bemidji Area of the IHS. The BIA Agency is located in Ashland, Wisconsin about 60 miles north of the tribal headquarters.

The tribe operates a primary/secondary contract school with approximately 165 students. This school has been in existence since 1975, and emphasizes a strong cultural and traditional Ojibwe curriculum in language and history. Ths school does not have an athletic program due to the fact that we do not have an adequate gymnasium. The students and parents place high priority on developing and implementing an athletic (sports) program. The school is governed by an independent school board elected by the tribal membership.

The tribal clinic is the only accredited health clinic in the Bemidji IHS Area. We employ 2 physicians, 1 dentist, with complete supportive services and paraprofessional personnel. The clinic includes a pharmacy, mental health program, alcohol and drug abuse services, eye and hearing program, and x-ray unit. The current facility of about 8,000 sq. ft. is inadequate in size and will not accomodate additional services to meet the current needs of the tribal community.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

NATHAN SMALL, MEMBER, SHOSHONE BANNOCK TRIBAL BUSINESS COUNCIL, SHOSHONE BANNOCK TRIBE

ARNOLD ABERNY

WENDY FARMER

Mr. ATKINS. Shoshone Bannock Tribe? You have a flight at 4:40?

Mr. SMALL. Yes.

Mr. ATKINS. If you're brief, we'll be brief.

Mr. SMALL. Okay.

Mr. ATKINS. And you'll be able to get home this evening. If you could just identify everybody who is with you for the record.

Mr. SMALL. Okay. To my left here is Arnold Aberny. He is the business councilmember for the Shoshone Bannock Tribe. This is Wendy Farmer. She is also a member, but she is working here in D.C., and is just showing us around and getting us lost.

My name is Nathan Small. I'm a member of the Shoshone Bannock Tribal Business Council. The Shoshone Bannock tribes are located in southeastern Idaho. The reservation is approximately 546,000 acres, and our tribal membership is around 3,400. I might add on the 546,000 acres that we own, or have under us, approximately 97 percent of that land base is under tribal control.

The tribes have traditionally been hunters and fishermen, and we still rely upon the fisheries and other natural resources within the scope of our treaty rights.

On behalf of the tribes, I would like also to express our appreciation for the assistance the Committee provided to us in fiscal year 1990 for work to help us in the *United States* v. *Oregon case*. This funding has been of critical importance and is enabling the tribes to participate in the ongoing negotiations related to the Salmon River fish runs and fishery resources. The *United States* v. *Oregon* is in litigation and is currently in the Ninth Circuit Court of Appeals.

The tribes are requesting that the Committee support in fiscal year 1991 for two areas related to the fisheries management, wildlife, and natural resources. First of all, our fish and wildlife management program is basically operated on reservations. We do operate off reservation in some areas that we are involved in like some of the forest plans that are being initiated here. We are involved with that quite heavily.

We are requesting a small increase in our Federal funding to manage that particular fish and wildlife management program, and we have some of the best wetlands in Idaho, and it has over the years, due to overgrazing and other effects of man and natural effects, experienced a lot of depletion and erosion of the banks and the streambeds. Our fish and our wildlife are suffering from that. As a result, the tribes suffer because we use that also for non-Indian fisheries.

We are in the Maine-Pacific flyway. We do get a lot of migratory fowl coming through. At one time, we had around 100,000 ducks

and geese come flying through and staying for awhile. Now we're down to about maybe 50 or 60 of them. It is mainly because of the habitat, and we'd like to get an increase in funding to take care of a lot of those problems there.

The main concern that the tribes have right now is in the *U.S.* v. *Oregon* case. We have been in that particular case for the last 10 to 15 years, and it has been an uphill battle for us all the way. We finally got intervention. We finally got the Ninth Circuit Court of Appeals to hear our case or to hear our concerns about the whole issue of the fishery runs that are going into Idaho which we don't do very much of. The $300,000 last year helped us out quite a bit, but we need approximately $453,000 for continued support in negotiation litigation.

Mr. ATKINS. What were you able to do with the $300,000 last year?

Mr. SMALL. Not much because we haven't actually received it yet. [Laughter.]

It's in the BIA, if that's what you want to hear.

Mr. ATKINS. When do they expect to release those monies to you?

Mr. SMALL. We have had a daily, weekly, monthly, contact with them to ask them where it is at, and what is it going to.

Mr. ATKINS. And you expect to be able to use that money?

Mr. SMALL. Well, we basically have been using that money, but we just haven't received it yet. What we were hoping to do was to reimburse some of our general fund expenditures for this particular year. Altogether we have probably spent about three-quarters of a million dollars on this particular case.

Mr. ATKINS. That's legal fees?

Mr. SMALL. Legal fees and transportation fees for council members to go up to the hearings and for our biologist to give testimony. The Columbia River fish management plan, which we didn't have much input into, is part of what our appeal is. It does require that we be involved in that plan, and it creates the policy committee, the technical advisory committee, and the prediction advising committees. We have basically a team that is operating now on a shoestring budget.

We really wouldn't be here asking for this much money, but our resources, mainly our phosphate mining which is an open pit mine, have dwindled down to just about zero. At one time, anywhere from one-third to 50 percent of our general fund budget was coming from our own natural resources, mainly the phosphate ore. That is going down, there is basically not much revenue coming out of there anymore, and we don't expect it to build up. Basically, there is nothing more out there for them to mine, so they are moving on. As a result, we are not able to continue fighting for our rights in this particular case.

The plan also calls for some sub-basin planning, and that requires professional biologists, fishery people, and technicians. Hopefully, most of our technicians and some of the support staff will be from the tribal membership. We will eventually move into those areas to continue on with this.

Mr. ATKINS. Thank you very much.
Mr. SMALL. Thank you.
Mr. ATKINS. Good luck on your trip back.
[The prepared statement of Mr. Small follows:]

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE (208) 238-3700
(208) 785-2080
FAX # (208) 237-0797

FORT HALL BUSINESS COUNCIL
P. O. BOX 306
FORT HALL, IDAHO 83203

PREPARED STATEMENT
OF NATHAN SMALL, MEMBER
SHOSHONE BANNOCK TRIBAL BUSINESS COUNCIL
BEFORE THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE
March 15, 1990

Mr. Chairman, my name is Nathan Small, and I a member of the Shoshone Bannock Tribal Business Council. The Shoshone Bannock Tribes are located in southeastern Idaho. Our reservation is 546,000 acres and our tribal membership is 3,400. The Tribes have traditionally been fishermen and hunters. We still rely upon the fishery and other natural resources for our identify and existence as Native people.

On behalf of the Tribes, I would like to express our appreciation for the assistance the Committee provided to us in FY 90 for work on the U.S. v. Oregon. This funding has been of critical importance in enabling the Tribes to participate in the ongoing negotiations related to the Salmon River fish runs and fishery resource.

The Tribes are requesting the Committees support in FY 91 for two areas related to fisheries management and natural resources and the tribes treaty rights in these areas.

Fish & Wildlife Management Program

The Shoshone-Bannock Tribes, Fort Hall Reservation, are requesting a small increase in our federal funding to manage and enhance the fish and wildlife resources on the Reservation, and to protect the Tribes' Treaty secured off-reservation hunting and fishing rights and the fish and wildlife habitat upon which those rights depend. The tribal management program provides the Tribes with: (1) professional fish and wildlife departments to protect and manage the Reservation's natural resources; (2) fish and wildlife habitat enhancement on the Reservation; (3) protection of off-reservation fish and wildlife habitat and populations essential for the continued exercise of the Shoshone-Bannock Tribes' Treaty secured hunting and fishing rights; (4) opportunity for qualified Tribal members to receive the training and education necessary to assume eventual leadership in management of the Tribes' fish and wildlife resources.

Fisheries Department: The requested funds will be used to supplment our base budget which accomplishes the following: (1) implement the Tribes' long range fisheries management plan for harvest management and habitat enhancement; (2) Regulate both the Tribal and non-Indian harvest of Reservation fish; (3) Monitor fish population and habitat parameters; (4) Implement fisheries habitat improvement projects; (5) Review and take necessary action on project proposals that would impact fisheries resources both on and off-reservation; (6) Train qualified Tribal members in fisheries management; (7) Provide information and education to Tribal members about fisheries related issues; (8) Provide professional representation on the Columbia Basin Fish and Wildlife Authority's Resident Fish Committee, Fish Passage Advisory Committee and Anadromous Fish Production Committee. The Authority is a regional policy making body consisting of the fish and wildlife agencies and Tribes of Idaho, Montana, Washington and Oregon. Such representation is essential to protection of the fisheries resource in the Tribes off-reservation treaty areas.

Wildlife Department: A Wildlife Department staff is needed to provide biological and technical services to the tribal governing body in the development and management of their wildlife resources. The base funding and requested increase are used to perform the following services: (1) Conduct habitat and wildlife population surveys; (2) Collect, compile and interpret harvest data on waterfowl, upland game birds, and big game animals; (3) Plan and implement wildlife habitat improvement projects; (4) Develop Tribal responses to environmental and resource development issues affecting treaty hunting rights; (5) Review and recommend Tribal big game, waterfowl, pheasant, and furbearer regulations to the Tribal Business Council; (6) Coordinate with state and federal agencies on the Tribal Waterfowl Hunting Regulations for non-Indian hunters; (7) Coordinate with federal and state agencies to implement recovery plans for Threatened and Endangered Species and Species of Concern on the Reservation; and (8) Collect samples for possible contamination by pesticides and herbicides and monitor wildlife populations for outbreaks of disease.

The Tribe's fish and wildlife managment system requires trained personnel to operate effectively. The Fish and Wildlife Departments have retained the same personnel since the contract beginning in 1985. The technician and secretary positions are occupied by Tribal members who have received only minimal salary increases over the past five years because of budget constraints. The small increases have been provided by taking from equipment maintanence line items which erodes our basic operational budgets. Salary increases to maintain dedicated staff are required to maintain program integrity.

Additional both the Fish and Wildlife Departments are implementing extensive habitat rehabilitation and enhancement projects of the reservation for some of the finiest spring creeks

and wetland areas within North America which are on the reservation. Restoring these areas to full fish and wildlife prodcution capacity will benefit the Indian and non-Indian alike.

In FY 91, we are requesting that the Committee provide a permanent addition of $30,000 to our base budget for the Tribal Fish, Game and Wildlife program to provide for an increase in the level of work accomplished and to implement modest cost-of-living increases for staff retention.

U.S. v. Oregon Litigation/Negotiation Support

United States v. Oregon began in 1968 on the lower Columbia River and, over time, grew to embroil the United States, Oregon, Washington, Idaho and five tribes in disputes over Columbia-Snake River anadromous fish runs. The Shoshone Bannock Tribes moved to intervene in October, 1985 to protect declining Salmon River fish runs in the headwaters. Full intervention was granted in July, 1986. The Columbia River Fish Management Plan was approved by the federal District Court for Oregon in Sept. 1988 over objections filed by Shoshone Bannock, Makah Tribe and Idaho. Briefing an oral argument on appeal of the 1988 plan before the U.S. Court of Appeals were completed in January 1990 and the decision is pending in the Ninth Circuit.

Despite the Shoshone Bannock's decade of self-imposed closures to protect the "wild" fish from extinction and full intervention in 1985, the Department of Interior has never funded any of our litigation/negotiation efforts. Compare the lower-Columbia River tribes funding for FY 1990 in excess of $2,000,000. Neither the U.S. nor any other party represents or is able to represent the interest of the Shoshone Bannocks in preserving the upper-river fish runs. There is a compelling necessity to equalize opportunity and funding for the Shoshone Bannocks, the only non-funded party in the case, to assure our meaningful participation in decisions which affect our treaty fishing rights and the survival of the Salmon River fish.

Over $750,000 of the Shoshone Bannocks General Fund have been expended since 1985 to protect up-river salmon and steelhead in the face of eroded simultaneous, phosphate mining at the Gay Mine--50% of tribal General fund revenues in 1989--declined drastically and will be eliminated by 1993. Jobs for 180 of the Reservation's work force will be cut. In 1988, the Shoshone Bannocks formed Sho-Ban Steel to provide employment for tribal members and mitigate for falling phosphate revenues which have required substantial revenues from the general fund. The point is that the Shoshone Bannock Tribes cannot afford to participate in the U.S. v. Oregon without federal support.

Court approval of the 1988 plan mandates that the Shoshone Bannocks participate within its Policy, Technical and Production Committees. in 1989, severe constraints on tribal funds hindered the Shoshone Bannocks initial participation in the 1988 Plan's steelhead review. Comprehensive planning for all cultural/subsistence is now underway in United States v. Oregon and protection of cultural/subsistence treaty fishing rights required consultation with experts in genetics, archaeology and policy analysis. In 1990, parties in the case embarked upon a comprehensive review for all species targeted for completion in 1991. This also requires staff and necessary operating expenses for conducting scientific studies of harvest, habitat, production and fish passage.

The Shoshone-Bannock's primary fishing area, the Salmon River area embraces over 14,000 square miles including the mainstem Salmon, the North, East, South and Middle Forks, the Lemnhi, Pahsimerio and Little Salmon Rivers and Panther Creek. Coordination of administration, scientific studies, and enforcement of tribal fishing regulations requires necessary funds for personnel, equipment and training, including support for a three-member Tribal Fish Commission, Fisheries Coordinator and Game Warden.

The Tribe requests a permanent base budget in the amount of $453,032 in FY 91 for continued support of the Tribe's participation in U.S. v. Oregon.

Native American Fish & Wildlife Society

The Tribes also support the requested funding increases for tribal fish and wildlife programs and projects as requested by the Native American Fish & Wildlife Societies. There is a critical need to increase funding for tribal fish and game management programs and projects.

Summary

On behalf of the Shoshone Bannock Tribes, Thank you very much for the opportunity to testify about these issue which is of critical importance to the cultural and subsistence needs of our people. The funding we have requested would allow the Tribes to continue successful operation of our Fish and Wildlife Programs and to protect our interests in the fishery resources.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS, OFFICE OF CONSTRUCTION MANAGEMENT

WITNESS

DAVID HARRISON, EXECUTIVE DIRECTOR, COUNCIL OF ENERGY RESOURCE TRIBES

Mr. ATKINS. Council of Energy Resource Tribes, David Lester? It's David Harrison. Welcome back.

Mr. HARRISON. Thank you, sir. It's good to be here. Again, I'd like to thank you and your Committee and your staff on behalf of the tribes of the Council of Energy Resource Tribes. Your leadership has been absolutely invaluable and indispensable over the years as we've tried to deal with some of the issues that we've yet to persuade the Department or the Bureau to deal with.

We're not really here today, sir, so much to ask for additional monies as to ask for your help in giving the Bureau some direction on what to do with the money they have asked for anyway. In that regard, I think as has been pointed out again and again here in the last couple of days, on many resource issues—the areas of fish, wildlife management, and water resource management—the real expertise and the real work that is being done does not lie, or is not being done by the bureau. It is being done by the tribes themselves. That is certainly true in the area of minerals activities and the area of agriculture. Those are two areas that the Bureau has proposed not to support again this year with regard to the tribal organizations that are devoted to those activities.

We're asking you, once again, if you would direct the bureau to utilize a part of the monies they have asked for to continue to support the Intertribal Agriculture Council and our organization, the Council of Energy Resource Tribes.

In that regard, I guess we should also point out that that should not be too painful for them because last year the Bureau asked you for permission to reprogram $1.5 million from an already terribly small minerals program anyway. You only authorized them to reprogram half of that for the purposes for which they requested. They promptly did that and helped themselves to the other half anyway and spent their $750,000 out of that program to bolster their contract support activities.

There are some of the other things we would like to ask you to take up with the Bureau when they're here. One of them is that we notice in their justification for explaining the effects of the Gramm-Rudman reduction in this year, they indicate they are going to do fewer aircraft safety inspections. We think that is just outrageous. If they can't find $176,000 out of a $38 million program, without putting our firefighter's lives on the line, then they need more help than what we suspect.

Also, we have a couple of tribes that have had problems and just have had trouble getting attention to it. We'd like to ask you to perhaps give us a little help in that regard. The Jicarilla Apache Tribe has been, for years, wanting to try to take some of the responsibility and provide some of the direction to the realty pro-

gram. The lease record system out there is an abomination. It does not even capture much of the information they need for resource management. We'd like to see the agency directed to work with them toward developing a contract whereby the tribe can undertake some of that activity.

In Navajo country, we have a group of allottees that have been in court for six years. We discussed this a little bit in terms of minerals management service activities. There is a very real need out there for somebody with some oil and gas accounting background to be available to visit with these individual Indians, many of whom don't speak English. They just have had tragic consequences of not having anybody to talk to with regard to their problems and collecting their royalties or knowing why they don't get them when they don't come. We'd like to see somebody with some background in that area available in the Navajo region.

We'd also like to urge you to continue to support the Office of Construction Management's activities, and we think that there has been some marvelous work done out of there since this Committee put the direction of that activity in the Secretary's office, particularly in the area of environmental protection.

Pogo said, "We have met the enemy with us in the area of environmental protection." We have the enemy, and he is our trustee. Many of the problems we have out there, in fact, have been created by the Bureau and the Indian Health Service, and we really appreciate the fact that we're finally getting some attention paid to those.

Those are the main things that are on our minds for being here today. I would be glad to answer any questions.

Mr. ATKINS. Thank you very much. I can just assure you that we will be asking some very hard questions of the Bureau when they come before us.

Mr. HARRISON. Okay.

Mr. ATKINS. We appreciate your input.

Mr. HARRISON. Thank you very much, sir.

[The prepared statement of Mr. Harrison follows:]

STATEMENT OF DAVID C. HARRISON OF THE COUNCIL OF ENERGY RESOURCE TRIBES REGARDING FISCAL YEAR 1991 APPROPRIATIONS FOR THE BUREAU OF INDIAN AFFAIRS

BEFORE THE SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES MARCH 15, 1990

Mr. Chairman, on behalf of the 44 federally recognized tribes that comprise the Council of Energy Resource Tribes, I would like to express our appreciation for the continued efforts of this committee to improve not only the conditions in Indian country, but also the federal administration of the nation's programs and services for American Indians and Alaska Natives.

We are here today not so much to request additional dollars for the BIA, but to request your assistance in giving the agency some direction in what to do, and what not to do, with the funds they have requested. The common denominator of our concerns in this area is that the agency once again reflects its preference for spending money on itself rather than in making investments in tribal capabilities.

As you heard throughout yesterday's discussion, and as this committee has recognized for many years, in the area of fisheries management and forest management, for example, the real expertise lies not in the Bureau, but in the tribes themselves. The same is true in many other areas of resource management and development, and it is certainly true in the areas of minerals management, agricultural development, and environmental protection. Yet, the Bureau insists on proposing draconian cuts in the budgets for the various fish commissions, and to zero out entirely funds for the Intertribal Agriculture Council and for the Council of Energy Resource Tribes. We request that the Bureau be directed in unequivocal language to continue to support these tribally controlled organizations at previous levels.

Some of the things the Bureau proposes in this budget submission are simply unconscionable, and we hope you will take the opportunity to discuss them when the agency appears here. The fire season is rapidly approaching, and the Bureau suggests, for instance, that one of the effects

of the Gramm-Rudman reductions will be that fewer aviation safety inspections will be completed during this fiscal year. Surely, the reduction of $176,000 from a $38 million program can be accommodated in ways that do not so seriously threaten the very lives of the Indians that the Bureau exists to serve.

We also urge you to give favorable consideration to the request of the Confederated Salish & Kootenai Tribes to disallow the proposed transfer of the dam safety program from the Bureau of Indian Affairs to the Bureau of Reclamation. If that agency is running out of constructive things to do, there are more appropriate responses than to allow it to take over important programs that the tribes themselves have developed capabilities to administer. Some tribes have excellent cooperative relationships with the Bureau of Reclamation on projects that they have developed together, but in too many other areas the Bureau of Reclamation and its traditional constituencies pose the greatest threats to tribal administration and to Indian water rights. The Flathead and the Hoopa Reservations are two examples of the latter situation.

On behalf of the Jicarilla Apache Tribe, we request that you direct the Bureau to negotiate a contract for tribal administration of, at least, some of the realty functions of that agency. There exists there a severe backlog of leasehold interest assignments awaiting approval, and the current lease records system simply does not record much information that is critical to effective or efficient resource management.

I believe you will find that the Bureau itself has already had serious second thoughts regarding the proposed transfer of $332,000 from the Energy and Minerals program to a new Real Estate Services Branch of Oil and Gas Lease Administration. There is much important work to be done in the administration of Indian mineral properties, but an inadequately funded, wholesale transfer of responsibility for the administration of 16,000 leases is not a constructive first step toward any improvement.

We do suggest, however, that the Bureau be directed to provide at least one experienced oil and gas accountant to serve the allottees of the Navajo Reservation who at present quite literally do not have anyone they can turn to that can explain the monthly distribution reports of the Bureau or

the Explanation of Payments that accompanies their royalty checks. This situation has produced tragic and wholly avoidable consequences. Individuals have been evicted from their homes; their vehicles have been reposssessed; and they have been denied general assistance to which they are entitled because it is presently no one's job to take an interest in their problems.

We also request that the Committee take a hard look at the proposed reduction in the Minerals and Mining Subactivity, as compared to the significant increases the Bureau proposes for itself. This committee is well aware of the range and extent of problems in minerals management; yet, this portion of the budget has been reduced by nearly 50% in recent years. In terms of real dollars, this reduction has been even more severe. On the other hand, the Bureau proposes significant increases in General Administration every year. The proposed increase of $1 million, for instance, to fund twenty more people in the Assistant Secretary's office to do what the existing high-priced Central Office Deputies and Directors should already be doing could better be invested in tribal capabilities in resource management.

In the area of minerals management, many of the most pressing problems facing tribes and allottees are simply no one's job in the present diffusion of minerals responsibilities throughout the Department. In fact, the BIA has come to see itself in recent years as simply a sponsor of assessment programs. We hope you will include language in this year's bill or report to make it clear that this program is intended to address the full range of problems and needs in the administration of mineral and mining properties.

Absolutely no one in the Bureau is assisting tribes in dealing with the dramatic changes which are occurring throughout the industries operating on our reservations. Changes in natural gas marketing; the development of unconventional sources such as methane from coal beds; the threats to existing markets by massively increased imports of natural gas from Canada; the revolution in the pipeline industry; the precipitous decline in production from many old fields that have been producing for generations; the new direction in oil and gas research by the Department of Energy; the calculation of reserve estimates and the plotting of decline curves so that

tribes can begin to plan for the post-production periods of their history; clean coal technologies; the development of downstream, value-added economic activities within reservation economies; the resolution of complex taxation and regulatory jurisdictional disputes with our neighboring and surrounding states and local units of government; and the negotiation of new and innovative forms of development agreements, are all new and very challenging issues that all producing tribes must deal with in the 1990's. These are illustrative of the issues that the CERT tribes and their organization, the Council of Energy Resource Tribes, continue to address with the assistance that this Committee has made possible in recent years.

The reductions in this activity that the agency proposes, and the increases in its own administrative activities, are but a reflection that the agency continues to ask for money for those things it understands and continues to ignore those that it does not understand, however important they may be to tribes and individual Indians.

In closing, we would like to express our appreciation also for the leadership that this Committee has shown in providing direction for the facilities management program. The Office of Construction Management, we believe, has shown impressive leadership in beginning to address many issues that have been covered up for many years. In the area of environmental protection, particularly, and in the review of fail facilities OCM has provided a very real service that was never undertaken while this program was under the direction of the Bureau. We hope you will continue to provide this direction to the Department.

We want to express again our deepest appreciation for the leadership and assistance that this Committee has provided to Indian country through the years.

That concludes our prepared statement. I would be happy to answer any questions you might have, or to work with your staff to provide further explanation or any information that might be useful in your deliberations.

Thank you very much.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESSES

DANIEL EDDY, CHAIRMAN, COLORADO RIVER INDIAN TRIBE
LENNA AOKI

Mr. ATKINS. Colorado River Indian Tribe, Daniel Eddy?

Mr. EDDY. Good afternoon, Mr. Chairman. I am Daniel Eddy, chairman of the Colorado River Indian Tribe. With me is Lenna Aoki.

We are here today to ask you for an appropriation to develop and implement a water measurement program on the reservation. Water is key and is vital to our survival down in our area. We do have an adjudicated water right to 717,000-acre feet of water on an annual basis. We do have 80,000 acres of developed ground currently in agriculture.

We feel that in order to get the best and the highest use out of this water, which as I did mention previously is our main resource, we feel that a water management office needs to be developed in our area. Not only are we looking at the quantity of water that we have to monitor but also the quality.

We do have some water users above us, north of us, and they are discharging effluent and possible hazardous materials into the water which we are aware of at this time. We have officially gone on record in opposition to the latest run, which is mentioned in our written testimony, which was in Nevada, which had proposed to discharge 4 million gallons into the river. They are directly north of us.

Mr. ATKINS. Discharge what into the river?

Mr. EDDY. Effluent.

Mr. ATKINS. Sewage treatment effluent?

Mr. EDDY. Right. I think that amount would be one of the largest amounts out of all the other up-river users from us.

We feel that more and more, as we see activity developing in the water area, that we do need the expertise, which we don't have at this time, to participate actively in the various meetings that go on concerning the Colorado River. We have 10 percent of the total flow of that river. The U.S.B.R., which is the Bureau of Reclamation, has the Colorado River Board. These organizations have not asked for our participation, but we feel that we should also be included in any issues that they prepare or that they discuss at their meetings.

We feel that the development of an office such as this would enable us to provide the input and have the personnel with the expertise to sit and talk with these people while they are discussing the water.

As a responsible entity in the area of water quality, again, we have an obligation to protect the health of our tribal members. To do that, it is going to require us to set some policies and requirements. We see this coming pretty quick. As I have said before, we use the water for drinking and recreation mainly, and those are the areas that we are concerned with right now. We have people

who travel from a long way, some who are summer visitors to our area, which brings a little revenue to our area and helps with our economy down in our area.

The water management program, as we see it, would be to include measures to protect the quality of the tribe's water supplies, and that's both the discharge and pollutants in the surface water and the ground water, and also the quality of the drinking water.

To do this, this tribe has put together a preliminary draft budget, I guess, that we see in the neighborhood of $521,287. That's what we're asking for. We ask that to be added to the Bureau fiscal year 1991 natural resources tribe agency operations budget.

From there, that would enable us to develop and implement a water resource management program. I don't know if we want to take the chance of letting the Bureau take the time to try to set this up, but there are other methods. We think that if the money is appropriated where we can gain access to it, possibly under the 638 contract, we can take it from there.

Mr. ATKINS. You're opposed to transferring the irrigation responsibilities from the BIA to the Bureau of Reclamation?

Mr. EDDY. Yes. I was going to get to that. That is another concern. We have heard, I guess in the past couple of years, that they were proposing to do this. At this point, we want to go on record and let it be known that we oppose any transfer of irrigation responsibility from BIA to the Bureau of Reclamation. We think that the answer to solving irrigation problems is getting the dollars to the tribes, and we will make the best use from there on.

We are thankful for the appropriation that we received last year for our irrigation project. We are in the process now of implementing some of the measures that we think it is going to take to alleviate some of the problems that we have in our irrigation project.

Mr. ATKINS. Thank you very much.

Mr. EDDY. Thank you.

[The prepared statement of Mr. Eddy follows:]

TESTIMONY OF THE COLORADO RIVER INDIAN TRIBES BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

Fiscal Year 1991 Appropriations Hearing March 15, 1990

The Colorado River Indian Tribes ("Tribe") appreciates the opportunity to appear before the Committee to provide testimony. The Tribe is requesting an appropriation to develop and implement a water management program. This program will act as a building block for the Tribe to attain self-sufficiency, to achieve effective self-determination and to protect its sovereignty. Water management is key to our long-term viability and impacts all facets of life on our reservation.

The Tribe is located along the Colorado River in Arizona and California. The Tribe has roughly 80,000 acres in agriculture, several mobile home park leases, a mostly vacant industrial park, numerous residential leases, and a number of commercial leases. The Reservation comprises approximately 270,000 acres located in a remote desert area. The Tribe is entitled to 717,000 acre-feet of water from the Colorado River pursuant to the decree in Arizona v. California.

WATER RESOURCE MANAGEMENT

The Tribe is requesting funding to establish a water management office to preserve and protect the water resources on the Reservation. The quantity and quality of the water available to the Tribe is constantly threatened. Any harm to our water severely impacts our ability to sustain any reasonable standard of living. Water resource management will assure control over water resources, preserve water for our children, protect cultural traditions and reduce health problems.

Water Quantity Problems

Our Tribe has a decreed right to more than 10% of the entire flow of the Colorado River. California, Arizona and Nevada, and other major River water users constantly watch for opportunities to increase their use of water from the river. Because of our inability to adequately utilize and manage the resource, these increases will generally be to our detriment. For example, there is a decree accounting task force which has been meeting for well-over fifteen years addressing critical Colorado River water issues such as how to calculate water use and define river water for Arizona v. California. Our first participation in September of 1989 when we were inadvertently notified of a meeting. While the Tribe attended the meeting, our ability to effectively participate and assert its concerns was hampered by lack of data and expertise in this complex area. We need staff who are able to prepare the needed technical information for us to develop strategies to protect our water. Experience in the original Arizona v. California proceedings has shown we cannot rely on the federal government to protect our interests. We must acquire the ability to protect our water resources.

The Tribe must be an active participant in decisions made regarding our water. The Tribe has been limited in its ability to productively contribute because we have not had the resources to manage our water and develop the knowledge necessary to provide informed input. We are entitled to 10% of the River's water, but are the only party without any ability to develop the information needed to protect our resource. If we cannot develop the expertise, our water will be lost by default.

Another grave danger which jeopardizes our water resources is the threat our water will some day be taken and given to non-Indians if we are not able to exercise control over the water. Because of lack of funds, we have not been able to put into agriculture an additional 30,000 acres for which we have water rights. If the Tribe cannot manage, control and utilize its water resources, there is a danger metropolitan areas will pressure the United States to condemn our water. While the Tribe would be compensated for the taking, dollars are a hollow recompense. If we do not have water, we can no longer farm, our tourists can not swim or boat, and business cannot operate. The only way to effectively prevent such a catastrophic event is to use and assert control over all our water resources.

Water Quality Problems

We are equally fearful that, even though it may be able to protect the quantity of water available, the quality of the water will render it useless. Upriver agricultural users, towns, businesses and others all discharge pollutants into the River. Most recently, Laughlin, Nevada proposed to discharge 4 million gallons of effluent into the River. When we found out about the proposed discharge, just days before the scheduled hearing, we were faced with trying to determine the extent of the negative impacts without any ability to adequately review the volumes of technical data concerning the discharge.

As a government, we have an obligation to protect the health of our residents. Key to fulfilling that responsibility is knowing what major discharges or potential discharges will be entering our water. Our water must be protected because water touches our lives in so many ways. Without adequate information, setting policies is impossible.

Our present inability to protect the quality of our water will result in severe health problems for our members. We must identify problem areas such as septic tanks too close to drinking water. We must develop mechanisms for protecting our water quality that can coexist with other Tribal goals. Moreover, we need the ability to effectively participate with other entities to ensure their water decisions do not negatively impact the health of our members.

Summary of the Problems

We have long known of the need to carefully manage our valuable water right against threats to our water resources. Past efforts have predominately focused on increased use of water through the development of farming operations and distribution of water supplies to

outlying residents. We have also begun to protect water quality. There are no tribal resources to manage our water resources in a comprehensive and coordinated manner because after police protection, social services programs and other governmental responsibilities there are no funds remaining. If we are not able to manage and protect our water resources, the lives of our people will be threatened.

Management of Tribal water is necessary to ensure all water uses are coordinated. Others are waiting waiting take our water. Unless we can develop control over and properly manage the water, there is danger either water quantity or quality will be seriously impacted. A water management program will help us anticipate these adverse impacts and propose responses. The importance of water management on the Reservation is supported by "Water Management Overview at the Colorado River Indian Reservation" attached as Attachment A.

Proposed Water Management Solution

The water management program will be responsible for tracking who is uses our water, where and for what purpose. The program will propose permit systems and policies for regulating water on the Reservation. Sound knowledge of hydrology, geology, ecosystems and other scientific details will be developed. Water management will include measures to protect the quality of water, both surface water and groundwater. Water management will provide resources to partici pate with the entities that make decisions concerning our water.

The Tribe needs $521,287 added to the FY 1991 natural resources tribe/agency operations budget to enable us to develop and implement a water management program. These funds are needed for us to have a fighting chance to enjoy the quality of life taken for granted by others and to ensure our children's health. We ask that these funds be added to ourbase. Attachment B is a budget with justification. Providing this funding will ensure our survival as a tribe. Funding ensures we will have a liveable and viable reservation.

BUREAU OF INDIAN AFFAIRS AND INDIAN HEALTH SERVICE BUDGETS

The Tribe would also like to discuss an appalling situation which effects all Native Americans. Reservations, including Colorado River, are some of the poorest, economically disadvantaged and remote areas of this country. Yet, despite these problems, federal funding for Native Americans has decreased over the last twenty-years. Furthermore, since 1985, per capita federal spending for non-Indians has surpassed that for Indians. This shift occurred while Indian populations have doubled. The Congress needs to tell the Administration, by providing additional appropriations, that the Congress takes the government's trust obligation seriously and the Administration should adjust its future budget recommendations accordingly.

Because of our reliance on agriculture, the Tribe is extremely concerned about the Department of Interior's proposal to shift irrigation programs from the Bureau of Indian Affairs to the Bureau

of Reclamation. The Tribe is vehemently opposed to any transfer of irrigation responsibility to the Bureau of Reclamation. The Tribe is not aware of any expertise of the Bureau of Reclamation in this area. The key to solving irrigation problems is getting the dollars to tribes who have lived with the inadequacies of the system and are the best able to identify the needs of the system and make the systems more productive. The Tribe requests that language be inserted in the appropriations bill forbidding the transfer of the irrigation responsibilities to the Bureau of Reclamation.

The Tribe is particularly concerned about the tragic recommendations made in the area of health care. Native Americans have significantly greater health problems than other Americans and are without the resources available in more populated areas to address these concerns. The health care needs of our Tribal members are not being met. The first incidence of diabetes among Native Americans was diagnosed at Colorado River. We are now seeing more advanced results of this debilitating illnesses such as loss of eyesight, respiratory and heart problems. Our people are having their lives cut short. In the Colorado River Service Area which provides services for approximately 5,000 Indians, contract health care for FY 89 was funded at $2 million and the need was $3 million leaving a $1 million dollar shortfall. In the direct services area, even with collections from insurance companies the validity of which the Tribe questions, the funding for FY 89 was $3.4 million with a need of $4.5 million. We need these additional funds added to the base for the Indian Health Service to ensure the long-term health needs of our members are addressed.

The Tribe understands the Indian Health Service central office has placed approximately $45 million from contract health care funds and $43 million from direct services into reserve. These funds need to be released to local areas so the crucial health care needs of our members can be met. These dollars were appropriated by Congress to be used for direct care and should not be held in reserve or reprogrammed to meet administrative needs. In addition, the Tribe would like to see the release of funds for architectural and engineering work on our outpatient facility which were appropriated several years ago. We will provide the Committee a copy of our testimony being prepared for the hearing on Indian Health Services facilities being held later this month.

CONCLUSION

The Colorado River Indian Tribes desperately need, in addition to adequate funding in the Bureau of Indian Affairs and Indian Health Service budgets, a specific appropriation of $521,287 to meet the crucial need for a water resource management program to ensure that the lifeblood of our Reservation, water, is available.

The Tribe thanks you for the opportunity to present its views and is available to provide any additional information needed by the Committee in support of our request.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

DANIEL DECKER, DOUBLE EAGLE RISK MANAGEMENT CO.

Mr. ATKINS. Double Eagle Risk Management Company, Dan Decker?

Mr. DECKER. Thank you.

For the record, my name is Daniel Decker. I am actually the tribal attorney for the Confederated Salish and Koetenai Tribes of the Flathead Nation. The Flathead Nation is one of the participating tribes in the consortium of tribes that formed Double Eagle Risk Management, Incorporated, a non-profit group.

With the 1988 amendments to the Indian Self-Determination Act, the Congress recognized the rising costs of liability coverage and the requirement placed on tribes to provide liability insurance coverage for 638 contracts. In doing so, with the amendment, basically Title II, the Congress required the Federal Government or, more specifically, the Bureau of Indian Affairs to provide liability coverage for programs that were essentially Federal responsibilities that tribes contracted.

As a part of that, a consortium of tribes came together and recognized that in order for the Bureau to adequately decide if the kinds of policies that were needed or whether or not it might be appropriate for tribes to engage in self-insurance or risk management programs, that a study would need to be conducted. With the assistance of this Committee, and the Senate Committee also, money was provided a year ago in the sum of $250,000 to the Bureau of Indian Affairs to have a liability study conducted. That is basically the reason that I am here today representing the tribe and Double Eagle Risk Management.

Double Eagle Risk Management, as I first indicated, is a non-profit corporation. It is incorporated under the laws of the Flathead Nation. To date, at this time, there are 19 active tribes and 12 tribal representatives on the board of directors of the tribe.

We are quite concerned at this time that an opportunity that may be available to the tribes in helping them develop self-insurance programs for the liability coverage that is needed for these contracts not disappear. The Bureau, to date, has not utilized the money to conduct the study. As you're probably well aware, they are way past the deadline to produce the study results to this committee. The deadline was February 1, 1990. They, to date, have not issued a request for proposals. It is not known at this time if and when they will, although we have been told recently that within several weeks something will become available.

It is with that point, I guess, as with the earlier testimony that I heard, that we're not necessarily asking for money today, but we are urging the Committee to continue to monitor the activities of the Bureau of Indian Affairs.

Mr. ATKINS. Let me assure you that we will be asking the Bureau questions about that when they come before us.

Mr. DECKER. The consortia of tribes submitted a proposal to conduct the study as was called for in the report to the Bureau of Indian Affairs in October 1989. To date, we have not received any formal response to our proposal, albeit unsolicited by the Bureau of Indian Affairs, we did put a proposal before them. They have never responded to Double Eagle.

In addition, they have made a response, but that was as a result of an inquiry from Senator Daniel Inouye, and it was obvious from their response that nobody in the Bureau understands risk management for one thing. The other, which seems all so obvious to those of us participating in this risk management opportunity, is that there seems to be some bureaucratic bent more toward including the Federal Tort Claims Act with the 638 contracts. Many of us in Indian country feel that that is inappropriate because with Indian self-determination and Indian self-government, with the application of the Federal Tort Claims Act, it is just—administratively, once the Federal Tort Claims Act comes into place, the tribes lose control of the ultimate decision that may be made.

We urge that you monitor the Bureau's activity and that this opportunity to create risk management pools that has been proven successful for many local and State governments not disappear as an opportunity that should be available for tribes.

Mr. ATKINS. Thank you very much. We will certainly explore those issues with the BIA.

Mr. DECKER. Thank you. I must apologize because I am actually here as a designated hitter, but——

Mr. ATKINS. We'll be happy if you have your material next week to incorporate it.

Mr. DECKER. We will submit written material next week. Thank you.

Mr. ATKINS. Thank you.

[Material was not submitted to the Subcommittee at the time of printing.]

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE

WITNESS

LAWRENCE WETSIT, CHAIRMAN, ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION

Mr. ATKINS. Assiniboine and Sioux Tribes of the Fort Peck Reservation, Lawrence Wetsit, Chairman? Did I get that right?

Mr. WETSIT. Yes, you did.

Mr. ATKINS. All right.

Mr. WETSIT. Good afternoon, Congressman Atkins. I am Chairman Lawrence Wetsit of the Fort Peck Assiniboine & Sioux Tribes of Montana. I represent the 9,000 members of our tribe on a 2.2 million acre reservation in northeast Montana.

First of all, I want to thank this Committee for Congress' help in the past couple years for a couple projects that are ongoing on our reservation. First of all, for a health facility in the Wolf Point area on our reservation, which we will be moving into in the first part of April. I want to thank the Congress for that appropriation for us, and also for the juvenile detention facility that we right now have on the drawing board for the juvenile detention problems that we have on our reservation.

In spite of the help that we received in the past years, we still have ongoing and unmet needs on our reservations. I want to apologize for not really, in my testimony, going into a lot of depth on things. We just received BIA's budget in my office on Monday, so we did what we could.

Mr. ATKINS. That has been a problem, I think, for many of the tribes. We certainly appreciate the difficulties you have had.

Mr. WETSIT. I'm going to be very brief out of respect for you and your schedule. First of all, I want to say that we oppose any cuts in education in the BIA's budget, not only for JOM. We asked for monies for adult education services, and we also support increased appropriations that will be requested by the American and higher education consortium for tribal community colleges.

In Fort Peck we have a problem with sexual abuse among our children. A couple of years ago we asked for special appropriations for a project which we did receive three years ago. Last year, we did not get the project. We would like to continue with that project. I am asking that we be given appropriations for $150,000 for that project.

Mr. ATKINS. What would you be doing with that money?

Mr. WETSIT. What we would do is hire a special prosecutor and staff to prosecute and investigate complaints on abuse problems. We also would like to be able to provide some counseling for a lot of the victims. That seems to be the biggest problem that we are having and getting them prosecuted in court. That's one of our priorities for this year.

Mr. ATKINS. What were you able to do with your first year funding?

Mr. WETSIT. Our first year funding——

Mr. ATKINS. You had funding for the first year, and then it was discontinued?

Mr. WETSIT. Our first year we did hire a prosecutor and staff, and we were trying to get—it was a three-way agreement between the tribes, the BIA, and the Indian Health Service. We were trying to work out the bugs in the system. We just got it started. We did get the funding. We managed to keep a prosecutor and a secretary on, but we have no money to investigate complaints or violations or provide any counseling services for these children. That is what we would like to do.

We also would ask for an increase in appropriations for fish and wildlife programs. There were monies earmarked for Montana tribes, and they have asked that that be taken out of the budget. We asked for $60,000 for the Fort Peck Tribes. We have, in the past year, initiated a fish and game code and have hired game wardens, et cetera, and with the fish and game commission developed a code. There are some ongoing problems that we have with jurisdiction between the State and the tribes on the reservation.

We have an irrigation project in Fort Peck which in the past years have never received any additional funding. Each year, it is given less and less money. It has really gotten to the point of disrepair now. We are asking for $1.25 million for the purpose of improving that irrigation system so that all of the lands in that system can be given adequate water.

For Indian Health Service, we have, as when I left, we had 220 patients that were in dire need of miscellaneous surgeries that, at this point, aren't life and death threatening, but we figure within the next year or so will be from cataract surgeries to gall bladders, et cetera. We need a little over $800,000 to take care of these 220 people.

We also have an ongoing critical problem with kidney dialysis. We do have a facility there. In my testimony I state the number of cases that we have. We have 20 right now. By the end of the year we hope—we're not hoping—but it will probably be a reality that we will have 28 people on dialysis. We're asking for a facility to put our program in. The cost on that is $1,125,000.

Thank you for your time.

Mr. ATKINS. Thank you very much.

[The prepared statement of Mr. Wetsit follows:]

TESTIMONY OF LAWRENCE D. WETSIT, CHAIRMAN
ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION

House Appropriations Committee
March 15, 1990

Mr. Chairman and members of the Committee, my name is Lawrence Wetsit. I am Chairman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana. I am pleased to have the opportunity to appear before the Committee today to discuss Fort Peck's concerns over the President's proposed budget for Indian programs, particularly BIA programs.

At the recent budget oversight hearing held by the Senate Select Committee on Indian Affairs, Senator Conrad expressed outrage over the drastic decreases in the BIA's budget over the past ten years, and the refusal of the present Administration to acknowledge this trend and take real steps to reverse it. We at Fort Peck share this outrage. If not for the efforts of this Committee over the years, the situation would be even worse. The Select Committee has proposed a 30 percent increase in the BIA budget for this year, and we urge this Committee to do everything within your power to adopt this proposal.

1. Education

The BIA has requested an increase in education funding, and claims that education will be a top priority over the next several years. However, at Fort Peck we still have many concerns over the BIA's budget for education. Many of the requested increases would only benefit students in BIA schools, while the BIA seeks to cut JOM funds. JOM funds are very important at Fort Peck, where there are no BIA schools, and we ask that these funds remain, at a minimum, at last year's level.

The funding for higher education and adult education also needs improvement. There is a tremendous increase in the demand for scholarships, but no increase in funding. Nor has the BIA requested an increase for tribal community colleges, which train our people for local industries and provide them with an avenue into the work force in a variety of fields. An increase is also needed for adult education -- we have too many people who are functionally illiterate, and most meaningful jobs are closed to them. With more adult ed funding, our community college could provide the programs needed to break this cycle of illiteracy.

2. Sex Abuse Project

The BIA has repeatedly refused to provide continued funding for the project to combat sexual abuse of children that we initiated at Fort Peck three years ago. We were one of two tribes selected by the BIA to develop a model program. We were led to believe that the project would be funded for three years, but we received funding for only one year. However, the Indian Health Care Improvement Act authorizes the model projects through FY 1991.

We recognize that in our first year we did not accomplish as much as we might have. However, since that time we have completely redesigned our program and are anxious to get started again. We are particularly concerned over the lengthy delay in implementing the new program because sexual abuse of children is a terrible problem on our reservation. We have made great strides in prosecuting offenders in our tribal courts, but lack adequate resources to assist the victims and counsel offenders.

We feel that FY 1991 is our last chance for this program. This Committee has seen fit in prior years to earmark funds for the other model project. We ask that $150,000 be earmarked for our project this year. These funds could be drawn from the $2 million increase the BIA has proposed for child protection services -- an increase which the Fort Peck Tribes strongly support.

3. Tribal Courts and Law Enforcement

This Committee has provided considerable support for tribal courts. Even more support is needed now, when tribal courts are being criticized and the Senate is considering a bill that would allow the federal courts to review many tribal court decisions. As we stated in our comments to the BIA on this bill, we believe that increased funding will permit tribal courts to upgrade their capability and expertise.

At Fort Peck, we are proud of our tribal court but we have a funding shortfall of $250,000 which prevents the court from providing necessary staff training, providing a public defender for indigent defendants, or providing the necessary staff for speedy court processing of complaints. We ask that our allocation from the BIA be increased by that amount. We also believe that a substantial overall increase for tribal courts is greatly needed.

We question the need for the $240,000 increase for the special investigations unit at the BIA. At Fort Peck we doubt that we will receive any benefit at all from this. The money would be better spent by hiring an additional investigator for each area.

4. Fish and Wildlife Program

Two years ago, Congress earmarked a $100,000 increase for Montana tribes in funds for fish and wildlife activities. It did so because it recognized that these activities in Montana -- especially at Fort Peck -- have been chronically underfunded. The BIA allocated half of the increase to Fort Peck.

The Fort Peck Tribes have accomplished a great deal with these funds, including adopting a revised fish and game code, establishing a fish and game commission to implement the code, and hiring wardens to enforce the code. We simply don't understand why the BIA, last year and again this year, is trying to eliminate these funds. Development of a fish and wildlife program for our reservation is not a one-time need -- it is an ongoing process. And, Congress has told the BIA time after time that earmarked funds are to be

added to the program base, not eliminated as one-time increases. Yet, the BIA continues to try to eliminate these fish and wildlife funds for Montana.

Even with the increase, we are still underfunded relative to other tribes. We have a large land base with tremendous resources, including big game, but minimal funding. An additional $60,000 would be needed to fund an effective program for our reservation.

5. Economic Development

At Fort Peck we have not been successful in obtaining effective technical assistance from the BIA for the tribal industries on our reservation. We believe that grants should be available for Indian companies to purchase technical services from entities other than the BIA. At Fort Peck we would employ such a grant for developing new product lines for our tribal companies, West Electronics and A&S Tribal Industries.

6. Irrigation and Tribal Water Operation Costs

The Fort Peck Tribes have long been in need of additional funds for irrigation. Our existing project is a serious state of disrepair and $1.25 million is needed for this purpose and for related land improvements. In addition, the area on the Missouri River south of Brockton has been identified as having excellent potential as sugar beet land. This can only be accomplished with a new irrigation project.

We recognize that irrigation is expensive, but it is also the only way for many tribes to develop viable agriculture. We ask the Committee to look very carefully at new funding in this important area.

We also urge the Committee to restore the proposed cut of $1.5 million in tribal water operation costs, which the President recommended. The BIA's budget justification claimed that the projected need is reduced because direct funding is available from other federal agencies for water resources management, planning and pre-development activities. This supposedly would include funds for tribal rural water system planning by the Bureau of Reclamation, tribal water management grants from ANA and water quality management planning grants from EPA.

We strongly disagree with the BIA's assertion that there is a reduced need for BIA funding for tribal water operations. Even with full funding from these other sources, there would still be insufficient funds to meet tribal needs. We ask that you restore the reduced BIA funding at the very least.

7. Housing Improvement Program

Safe and sanitary housing is one of the greatest needs in Indian country, yet the BIA always proposes to cut housing funds. This year at Fort Peck, we were given $102,000 for repairs, and the entire amount was allocated in October due to the great demand. We

could easily have allocated $500,000. With the harsh climate we experience in Montana, the majority of the homes are greatly in need of weatherization-related repairs. We strongly urge the Committee to allocate an increase for the HIP program.

8. Indian Health Service

a. Contract Care. On several previous occasions we have brought to the Committee's attention the severe backlog at Fort Peck in funds for contract care. The backlog has now grown to $800,000 and 220 patients. Of course, some of the previous patients have been taken care of -- because their problems became so severe that they were downgraded to emergency status. We ask that this Committee do all it can to address the growing problem of the contract care backlog.

b. Expansion of Kidney Dialysis Facility. We are very aware of the alarming increase in diabetes in our Indian people. Fort Peck is no exception. We have in excess of 500 diagnosed diabetics. We currently have 20 patients on kidney dialysis treatment in our facility and by the end of 1990 we are projecting an increase to 28 -- which is the limit our facility can handle. Our current facility will not be able to add new patients after 1990. We are projecting the need for a new facility of 9,000 square feet by 1991. By the year 2000, our projections estimate over 800 diabetics on the reservation, which would mean additional patients for our kidney dialysis unit. We need approximately $1,125,000 to cover the cost of building a new facility.

That concludes my testimony for today. I would be happy to answer any questions you may have.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

KARUK TRIBE
LEAF HILLMAN
JAMES WROBLE
TERRY SUPAHAN

Mr. ATKINS. Karuk Tribe, Leaf Hillman?

Mr. SUPAHAN. Good afternoon.

Mr. ATKINS. Good afternoon. If you could identify the people with you as well, for the record.

Mr. SUPAHAN. Sure. My name is Terry Supahan. I am a councilman for the Karuk Tribe of California. To my left is Leaf Hillman, our representative to the Klamath River task force, and our fisheries biologist, James Wroble.

We are here to thank the committee for their support last year in fiscal year 1990 for the promotion of the fisheries program. We are represented on the Klamath fisheries management task force. We were part of Congressional legislation to sit on that budget-making committee that is part of the whole regulatory apparatus for the Klamath River management council and the fisheries management council. We do not sit formally on those committees at this time.

We also, at this time, are just providing oral testimony and will submit written testimony for the record with budget narrative as soon as we can.

Mr. SUPAHAN. We don't necessarily want to jump on the bandwagon, but if you were to ask us what we accomplished with last year's funds, we'd have to say nothing because we haven't received them either, which is another sore point with us.

However, we would like to request an additional $38,000 for that fiscal year 1990 appropriation. The primary reason for our being here today is to request a $480,000 fiscal year 1991 appropriation so that we can begin to be on the Bureau banded budget. The basis for us coming here started two years ago when we had a spirited discussion with Bureau staff at that time saying that because of recent legislation for the Trinity River and the Klamath River, the Bosco bills that generated over $20 million in restoration money to assist the fisheries in our area, we needed to provide consistent support for that. The tribe needed to be able to work on a government-to-government basis with the State and the Federal Governments in the protection of our fishery.

The Bureau pointed at us and said, "Go to Congress." We said, "You're our trustee. You should be assisting us in assisting our fisheries program." We went to Congress and we still don't have any support from the Bureau. We want to be able to beat them up on a regular basis, so that is our purpose for being here.

I'd like to have Mr. Hillman provide any insights that he has from the Klamath River task force.

Mr. HILLMAN. I'd just like to say that the tribe has been given a couple of different responsibilities over the last two years. One of

those responsibilities occurred in 1988 through Congressional legislation that gave the tribe a seat on the Klamath River Basin fisheries task force. Unfortunately, that piece of legislation didn't include an appropriation for the tribe to carry out the mission that goes along with that seat.

I would also like to point out that the Klamath River management council this year, in their appropriations meetings in February of this year, mandated that the Karuk fishery begin to monitor their fishery and to build a database for management reasons. I'd just to say that at this point in time the tribe does not have the resources to carryout that mandated responsibility.

Mr. SUPAHAN. We'd also like to point out that this year equally demands the participation of all of the tribes as part of Indian River users because of the severe impact that foreign fishing fleets have placed on the salmon resource and that the numbers are going to be a particularly argued over and controversial piece of discussion this fishing season. The tribe wants to have the resources to be able to provide cooperation on the front end as opposed to having to wrestle with problems on the back end of the fishing season.

Thank you very much for your time.

Mr. ATKINS. Thank you.

[The prepared statement of Mr. Supahan follows:]

KARUK TRIBE OF CALIFORNIA
Tribal Fisheries Department

PROPOSAL

Statement of Purpose
FY 1991 to FY 2001

INTRODUCTION

The Karuk Tribe of California is requesting $485,000 annually in BANDED funds, as an add-on to the BIA Fish, Wildlife, and Recreation budget for fiscal years 1991 through 2001. The Tribe is also requesting $40,000 for additional, one-time startup costs.

The purposes of this proposal is to promote the cultural, ceremonial, and subsistence rights of the Karuk Tribe of California, through the development and continued support of a Karuk Tribal Fisheries Department.

This Department will provide the Karuk Tribe with the professional expertise and the level of competence necessary to exercise its sovereign right to the fishery resources of the Klamath River Basin. This department, through the development of Fisheries Enhancement and Restoration Programs, will also provide much needed employment opportunities for Tribal members.

There presently are four user groups in the Klamath River Basin. These include the Karuk Tribe, Yurok Tribe, Hupa Tribe, and sport fishers. Of these groups and their respective fisheries, the Karuk fishery is unquestionably the most unique fishery in the Klamath River Basin. The Karuk fishery is a State granted aboriginal fishing right. Because of this unique and often misunderstood status, the BIA has been inconsistent in dealing with the Karuk Tribal fishery, and its trust responsibilities to the Karuk Tribe.

While the Karuk Tribe is one of the largest tribes in California, it has never had the necessary resources to effectively participate in the in the management decision-making process directly affecting them. As a result, the Karuk Tribe has been at the mercy of the BIA, and the other management agencies and councils with responsibility in the Klamath River Basin. While the BIA has a federal trust responsibility to protect and promote the rights of the Karuk people, it has been unresponsive to the Karuk people's needs and their many concerns regarding the management of their fishery.

The State has also been unwilling to confront this problem, recognizing the potential controversy arising from state involvement in the management of a Native American fishery.

Past Tribal negotiations with the BIA have been fruitless and frustrating. However, the BIA is the primary mechanism through which the federal government provides funds for programs to fulfill Tribal Fish and Wildlife management responsibilities. The primary goal of the Karuk Tribe's request is to fulfill and execute those responsibilities relating to the Fisheries resources of the Klamath River Basin that are of utmost importance to the sustenance, cultural enrichment, and economic support of the Karuk people. This responsibility also includes protection of Karuk fishing rights, and to promote the conservation, development, and utilization of these resources, for the maximum benefit of the Karuk people now and in the future.

Management of the Karuk fishery is shared by the BIA, State of California, and the Karuk Tribe. However, the Karuk Tribal Fisheries Department is the only agency actively involved with the Karuk fishery, but it lacks the financial support to carry out its obligation. This unfortunate situation has led to the Karuk Fishery being the only fishery, Indian or non-Indian, in the entire Klamath River Basin to be left unmanaged, unregulated, and therefore, unprotected.

In February, 1990, the Klamath Fisheries Management Council mandated that the Karuk Fishery be monitored and regulated, and data base compiled. Again, the Karuk Tribal Fisheries Department lacks the necessary resources and personnel to carry out this mandate. Past efforts to staff and fund this important aspect of Tribal resource management have been frustrated by a lack of interest from the BIA or State of California. This has resulted in a failure to fully address the complex issues and needs of the Karuk Tribal Fishery.

Effective fisheries resource management requires constant dialogue, cooperation, and diligence on the part of resource decision-makers. However, this process becomes ineffective when parties to the process lack the necessary resources to effectively participate.

The Karuk Tribe's involvement in the co-management of the fisheries resources in the Klamath Basin, occurs through public involvement with the Klamath Fisheries Management Council, and the Pacific Fisheries Management Council, and participation on the Klamath River Basin Fisheries Task Force and Technical Subcommittee. However, because of the inconsistent nature of the Karuk Tribal Fisheries Program funding, it is often very difficult, if not impossible, for the Tribe to effectively participate as a responsible co-manager of this resource.

Currently, the Karuk Tribe is involved in stream restoration activities within the Klamath Basin as well as Salmon and Steelhead production programs. These programs afford the Tribe with additional opportunities to participate in the management of the resource. Releases from Tribal Hatcheries and pond rearing sites benefit Indian and non-Indian commercial and sport fisheries as well as returning spawners to help satisfy Tribal subsistence and ceremonial needs.

The Karuk Tribal Fisheries Department has developed plans for expanding their fish rearing and stocking capabilities to help address stocking needs, but, to-date, have been unable to implement these plans due to a lack of Federal and/or State financial assistance. Although, the Karuk Tribal Fisheries Department has had a positive impact on fisheries resource enhancement in the past, this piecemeal approach to resource management is largely ineffective and inconsequential.

The four primary purposes of this program are:

(1) To provide a mechanism through which the Tribe may effectively participate in the political arenas of fisheries management.

(2) Serve as a central clearinghouse for information and data in the areas of public relations, fisheries management, environmental protection, enhancement planning, enforcement coordination, and political development.

(3) Act as a forum to express, communicate, and resolve fisheries issues and concerns identified by Tribal members. This means providing a vehicle and mechanism to reach mutually agreeable positions or strategies that are acceptable to Tribal members.

(4) Formulate a broad general fishery management program designed to promote and co-ordinate the management conservation and enhancement practices of the Tribe to insure effective and progressive resource management.

This proposal would allow the Karuk Tribe to implement a comprehensive Tribal Resource Management Program which promotes the development of Tribal capabilities and assists in achieving a variety of Tribal objectives including satisfying subsistence and ceremonial needs, creating jobs, generating revenue, and realizing our ultimate goal of self-sufficiency.

Thank you.

Proposed Annual Budget
FY 1991 to FY 2001

Category	Description	Costs	Extension
PERSONNEL			
	Director/Coordinator	42,500	
	Fisheries Biologist	30,000	
	Habitat Specialist	25,000	
	Hatchery Specialist	25,000	
	Information/Education Specialist	25,000	
	Technicians (4)	72,000	
	Executive Assistant	20,000	
	Financial Manager	25,000	
	Total Salaries		264,500
	Fringe Benefits @ 30%		
	79,350		
	Total Personnel		343,850
TRAVEL			
	Personal Vehicle Mileage	12,000	
	Air Fare	15,000	
	Per Diem	7,000	
	Total Travel		34,000
OFFICE EXPENSES			
	Rent and Utilities	6,500*	
	Telephone	6,000	
	Supplies	2,550	
	Computer Software	3,500	
	Library	3,500	
	Miscellaneous	2,600	
	Total Office Expense		24,650
OPERATIONS			
	Insurance	5,000	
	Fuel	12,500	
	Maintenance	*3,500	
	Total Operations		21,000
SUBCONTRACTS			
	Consultants	25,000	
	Legal Services	30,000	
	Audit Fees and Expenses		6,500
	Total Subcontracts	61,500	
TOTAL BUDGET			485,000

Additional Startup Budget
FY 1991

Category	Description	Costs	Extension
OFFICE EQUIPMENT			
	Computer System	8,000	
	Laser Printer	5,450	
	Photocopier	3,000	
	FAX Machine	1,500	
	Desks (4)	1,200	
	File Cabinets	600	
	Computer Workstation Tables (2)	750	
	Orthopedic Work Chairs (4)	1,400	
	Conference Chairs (10)	500	
	Miscellaneous	500	
	Total Office Equipment		22,900
FIELD EQUIPMENT			
	Electrofishing Unit	3,500	
	Nets	500	
	Waders (3)	300	
	Rain Gear (3)	200	
	Hand Tools	500	
	Chain Saws	1,200	
	Miscellaneous	900	
	Total Field Equipment		7,100
VEHICLES			10,000
	Two-wheel Drive Pickup		
TOTAL BUDGET			40,000

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

A.S. AGARD, VICE CHAIRMAN, STANDING ROCK SIOUX

Mr. ATKINS. Standing Rock Sioux, Mr. Agard?

Mr. AGARD. Mr. Chairman, distinguished members of the Committee, my name is Alzo Agard. I serve as vice chairman of the Standing Rock Sioux Tribe, and I am appearing here today on behalf of our tribal chairman, Charles Murphy.

On behalf of Chairman Murphy and all of the people of Standing Rock, let me state my sincere appreciation for being given the opportunity to briefly comment on our needs.

Our needs are many, so it means very much to us to be able to appear before you this afternoon. I shall take this opportunity to briefly highlight the issues we raise in our written statement.

Significantly, we are better able to document our needs as a result of the special census for our reservation in 1988. The census of 1980 clearly undercounted our Indian population, making it difficult to document our needs with precision throughout the 1980s. This Committee made the new census possible, and I offer my gratitude.

The findings of the special census are, in many areas, very disheartening. We have an inordinate number of young people who are growing up in severe poverty, often times without a stable family life. We who serve as tribal leaders are very concerned that this next generation will have the opportunity to receive an education and learn our traditional values of hard work, sobriety, and respect for the elders.

Unless we are able to make drastic improvements in the ability of our social services programs to meet the overwhelming needs in our education programs, this generation of young Standing Rock Sioux will not have the opportunity to live and grow free of alcohol and poverty.

Take the case of the little girl whose picture is submitted in our record. Mr. Chairman, Committee members, take a close look at this Indian child. She suffers from fetal alcohol syndrome and was beaten by her foster parents. Our social service program is terribly understaffed and is unable to adequately monitor its placements. Mr. Chairman, FAS and child abuse can be prevented, but our current budgets include very little funding for social services and no funding for FAS prevention or remedial programs.

It is estimated that 425 children in our public school system suffer from fetal alcohol syndrome. It is very unlikely, Mr. Chairman, that these children will ever enjoy the opportunities that we so very much want for them and that they deserve. We are asking for funds for a comprehensive child protection team to address FAS, child abuse, foster care placement, and remedial programs in a holistic manner.

Please give serious consideration to our budget proposals for this program. Other programs, such as headstart, Women, Infants, and

Children also need significant increases if we are to turn the situation around.

Another problem we face is inequitable general assistance payments by the BIA. The Standing Rock Sioux reservation is located about half in North Dakota and half in South Dakota. General assistance generally provided by the BIA to the South Dakota portion of our reservation are vastly lower than the levels provide to the North Dakota portion. This caused problems for our tribe. Tribal members are leaving the traditional Indian communities in South Dakota and moving to North Dakota in search of higher general assistance benefits. Last year alone, BIA reports that more than 50 Indians stated to BIA social services that they moved to obtain higher benefits. Many who moved to North Dakota are reluctant to admit that they are doing so because of general assistance benefits.

The current situation is causing great hardship at Standing Rock. Therefore, we request that the BIA be directed to provide general assistance benefits to all eligible Indians at Standing Rock at North Dakota levels. This will put an end to the social upheaval we are experiencing. We believe that in the end it will save the Government money because the pressure on housing and other services will be eased.

I did not submit it, but we have proposed legislative language to try to ask for a legislative remedy. I would like to make that a part of the record.

If we are to make our reservation a home for our young people, and to reduce the need for general assistance, of course we will need to develop our economy. Our farmers and ranchers are plagued by the current water situation and we are asking for water development funds, so they can at least survive during this crisis.

We also need funds for investment and to start Indian businesses on our reservation. As it is now, non-Indians own most of the businesses and service industries on and near the reservation. Most of the Federal dollars dedicated toward improving our standard of living end up as profits for non-Indian merchants.

In closing, let me state that we in the Indian country feel victimized by America's short memory. America has forgotten the contributions to our prosperity, and the right of self-determination, which we ask be reserved in our treaties. Instead, Indian hate groups scorn our rights and threaten our continued existence as Indian tribes, people with distinct rights and cultures.

Mr. Chairman, in considering this budget request, I implore you not to forget the overwhelming need of our children and the right to live and prosper as American Indians.

Mr. ATKINS. Thank you very much. That was a very eloquent statement. The Federal Government has had very real needs on all the reservations in the country. We appreciate your testimony.

[The prepared statement of Mr. Murphy as submitted by Mr. Agard follows:]

STATEMENT OF CHARLES W. MURPHY, CHAIRMAN
STANDING ROCK SIOUX TRIBE

Mr. Chairman and distinguished members of the Committee, my name is Charles W. Murphy. I serve as Chairman of the Standing Rock Sioux Tribe, the fourth largest of the Tribes of the Great Sioux Nation. We reside on the Standing Rock Sioux Reservation, which consists of approximately 2.3 million acres of land in central South Dakota and North Dakota. The Missouri River borders the Reservation to the west, and constitutes what is perhaps the Tribe's most valuable natural resource.

The Bureau of the Census conducted a Special Census on our Reservation, in 1988. The Special Census shows the population to be 8,019. Indians comprise 60 percent of the Reservation population. The median age of our Reservation Indians is 18.6 years, nearly 16 years younger than the national norm. Of course, the Census also found an extremely high rate of poverty. Our annual family income is less than $5,000. Two-thirds of the Reservation's Indian population lives in poverty. Only one in three adults were found to be employed. Recent Bureau of Indian Affairs estimates show an unemployment rate of 87 percent. The Reservation is comprised of two counties, both of which are among the 25 poorest in the nation.

Thus, our people are generally very poor, and live in small, rural communities along the Missouri and Grand Rivers. This demographic situation creates logistical nightmares in the provision of health care and health services and education. As a result, the various Tribal and federal health and nutritional programs, including medical clinics, Chemical Prevention, Women, Infants and Children (WIC), Nutrition for the Elderly and Food Distribution, and educational programs ranging from Head Start to the Standing Rock College, are extremely difficult to administer. Lingual and cultural barriers exacerbate this difficulty. The current levels of funding are inadequate to address the basic needs of the programs.

EDUCATION

As young people comprise such a large percentage of our population, education is our top priority. Nevertheless, all educational programs from Head Start to post-secondary remain inadequately funded. I hope that you will give serious consideration to our funding requests in this area, as we see education as the road to alleviating our economic and social ills.

Head Start provides services to low-income preschool children and their families in six communities on our Reservation. These services include important preschool education, health, nutrition, social services and transportation. Inadequate funding over the years has resulted in a lack of maintenance of vehicles and facilities. To keep all of our existing centers open in the future, we will need to double the current overall budget of $1,187,000 for Head Start, with the additional funds dedicated to renovation of facilities and vehicle maintenance.

The operating budgets of our elementary and secondary schools remain inadequate. These budgets are based on the Indian Student Equalization Plan (ISEP) formula. Under this formula, the education of our children is funded nearly $1,000 less per weighted student, than the national norm. I am hoping that the committee will increase funding for our elementary and secondary school students, to eliminate this gap. We will need $734,000 above the current ISEP funding of $2,800,000, simply to catch up with our non-Indian neighbors.

Post-secondary education is a reality to only a limited number of our students. Our Adult Vocational and Higher Education Programs currently fund only 30 percent of all applicants. We are extremely frustrated by the fact that nearly 70 percent of the applicants for these programs are denied funding. This constitutes nearly 200 applicants per program.

To meet the needs of these young men and women, we are requesting that our current annual AVT budget of 212,000 be increased to $790,000, and our Higher

Education budget increase from $313,300 to $1,195,600.

The Standing Rock College is fortunate in that the Tribe has provided a building. Nevertheless, the lack of operating capital makes adequate facilities management extremely difficult. Unlike state operated and state supported junior colleges, the Standing Rock College receives no state funds. This is the case despite the fact that the educational services provided benefit non-Indian students, in addition to Tribal members.

Presently, the Standing Rock College operates on $528,410 annually, which amounts to $1,964 per student. This compares with the national average of $4,000 pre student. We believe that at the Standing Rock College, the parity per student should at least match the national average. I respectfully request that the Committee provide an additional $511,590 to Standing Rock College, to ensure that our college students share equally in the junior college funding. The funding needs of the Standing Rock College thus total $940,000.

The Adult Basic Education (ABE) program provides basic skills training to adults. There is a high demand for this program on our Reservation.

Many of the program's students live at remote homesites. Successfully incorporating these rural Tribal members into the Reservation economy will require the provision of better bus transportation, for programs like ABE. ABE's current transportation funds are inadequate, and additional supplies are in great demand, especially books. But as with many other needed programs, funding has been reduced in recent years. The level of funding per student remains $77 less than in 1982.

The instructor's salary and administrative expenses are barely covered under the current budget of $30,500. The ABE program will require additional funding of $6,720 to merely reach 1982 funding levels.

Presently, the Reservation's school boards receive their funding from ISEP. Our three school boards' current budget totals $11,700. However, the agency school board, which consists of the chairs of the three BIA schools, plus two Tribal Council representatives, has an operating budget of zero. Actually, the agency school board is supposed to receive its funds from Element 10 monies. Currently, though, all Element 10 monies are being designated to operate the BIA Education Office. Thus, the agency school board receives no Element 10 monies and operates on a budget of zero.

The agency school board is requesting $5,000 to hold meetings, interview prospective empoyees and for in-service training.

SOCIAL SERVICES

Unlike most Tribes, Standing Rock's Reservation is situated in two states. This creates a jurisdictional nightmare in delivering Human Services to our people.

Most reservations enjoy the assistance of the appropriate state's Human Services Department, in the areas of Foster Care and Child Protection. Such is not the case on Standing Rock. The states of North and South Dakota do no provide social services on the Reservation. The BIA Social Services bears this entire case load. Given the inordinate number of cases and its current budget, it is ill equipped to do so.

Consider the case of this 4 year old child who has suffered tragically at the hands of the current system. She is affected by Fetal Alcohol Syndrome and is a victim of child abuse by her foster parents. This one child's desperate situation is testimony to Standing Rock's need to create a Child Protection component and a means to prevent the occurrence of Fetal Alcohol Syndrome, while addressing the specific learning disabilities suffered by these children.

The most effective means to deal with Child Protection issues remains securing the funding to employ a professional, full-time Child Protection Team. To protect our children from FAS and from abuse by natural or foster parents, and to provide remedial services, we will need eight professional social workers with expertise in psychology, prosecution, investigative techniques, medicine, foster care, child development and quality assurance. This approach will solve many of the problems of the current Child Protection Team format, namely

1) It will eliminate any conflicts interfering with the team members abilities to function in the child's best interests.
2) It will provide for a systematic approach for response to referrals of abuse and neglect.
3) It will help create reasonable job expectations for all Human Service professionals on Standing Rock.

This little girl is one of an estimated 425 children in the Public School System on Standing Rock, Head Start through elementary, suffering from Fetal Alcohol Syndrome or Fetal Alcohol Effect. This ailment, which can be prevented, leaves the victim permanently disabled with intellectual and learning deficits, behavior problems and many physical abnormalities.

Nothing is being done to address the uniques educational needs of these children. Standing Rock needs to take the lead in curriculum development to assist these most innocent victims of alcohol abuse in Indian County.

Our attempt to halt the devastating growth in the occurrence of this Syndrome requires the development of curricul· targeting Junior High aged children. Our young poeple, future parents, must be taught the causes of FAS/FAE and methods whereby they can advocate for the rights of our future generations to be born with their God-given gifts intact.

BIA's existing Social Services budget of $393,500.00 includes 7 Social Workers, and administrative and referral and placement costs. We very badly need funds for a Child Protection Team and request a budget increase of $309,500.00.

Please grant serious consideration to our request to make these things possible for our children.

ECONOMIC DEVELOPMENT

Currently the Tribe does not receive funds from the BIA for economic development planning. All of our current planning efforts are funded through a grant from the Economic Development Administration of $50,000.00 annually. This employs one full-time planner and a half time assistant. We are requesting $131,000.00 annually.

The BIA has estimated the unemployment rate on Standing Rock as 79%. Consequently, we are plagued by social ills which are directly attributed to the lack of jobs. We have over 1,000 individuals currently seeking employment.

Until we can offer our people meaningful jobs, these conditions will remain unchanged. Therefore, we propose that the BIA develop an "economic development" program, whereby funds are provided to the Tribe for planning and investment. With additional, qualified staff in our economic development planning office, we will be adequately equipped to address the economic needs of the Tribe.

If we are given the opportunity, the Tribe is firmly committed to capturing the millions of dollars that leave our Reservation on a daily basis. Through appropriate staffing, we can develop programs and enterprises to recycle some of these dollars within the Reservation economy. If we can recycle even 10% of the dollars that leave by developing Tribal or Indian-owned businesses or service enterprises, our economy will benefit greatly. This will result in jobs and income for our people, and will in turn reduce the incidence of alcoholism and other social ills.

Mr. Chairman and members of the Committee, in the area of economic development, we are asking that you help supply us with the means so we can approach these problems adequately.

TRIBAL JUDICIARY

The unmet needs of our Tribal Court are most notable in the areas of Indian Child Welfare and public defense and prosecution services.

The Tribe is dedicated to ensuring that Standing Rock children needing foster care or adoption services will receive humane treatment among social service personnel and be raised by Lakota parents in the ways of our people. Anything less would, in a very real sense, constitute genocide. Although Congress itself endorsed these very objectives in passing the Indian Child Welfare Act, inadequate funding undercuts the goals which the Congress itself has established.

The Tribal Court needs an additional six staff positions for Indian Child Welfare.

It is imperative that we improve services in the areas of Indian Foster Homes, Group Homes and Shelters, awareness and training programs, the monitoring of Indian foster homes, counseling for neglected and abused children, and a more effective juvenile justice system. We drastically need an additional $231,542 for ICWA.

Another objective which Congress has emphasized through legislation, the maintenance and enhancement of Tribal sovereignty, is threatened by the lack of funds for professional trial advocates. Our jurisdictional authority in various areas is challenged by those who perceive inadequacies in the Tribal judicial processes. Currently, we are a party to litigation involving jurisdiction over our Reservation's highways; our Safe Drinking Water Act program is the subject of a suit against the Environmental Protection Agency; and our southern neighbors, the Cheyenne River Sioux, are in court defending their jurisdiction over the taking of Reservation Fish and Wildlife. Our best means of protecting our sovereignty is bolstering our administrative and judicial systems.

The Tribe seeks to protect our sovereignty and rights to our land, water and resources. It is necessary to provide a professional Tribal judiciary, whose integrity and procedures will be beyond the reproach of those seeking to impose state jurisdiction over Tribal resources. The court's current budget of $276,439.00 is inadequate to provide professional public defense and prosecution services, and we shall need an additional $60,000 for a professional prosecutor and public defender.

WATER AND NATURAL RESOURCES

The Standing Rock Sioux Tribe andits members own over 850,000 acres of land, within the exterior boundaries of our Reservation. Of course, we also have established rights to the wildlife and other natural resources of the Reservation, and all of the water to meet the present and future needs of our members.

The economic value and development potential of these rights and resources will, one day, enable the Tribe to become self-sufficient. We respectfully submit that it is the responsibility of the United States to provide adequate funding for the Tribe to successfully manage our water and natural resources, so that we may one day achieve self-sufficiency. In addition, in order to make our Reservation "a permanent homeland," as specifically guaranteed in the Fort Laramie Treaty of 1868 and the Act of March 2, 1889, it is incumbent upon the Congress to provide funds for environmental protection on our reservation.

In the area of water resources, the current budget of $143,240 includes no funds for many badly needed water projects. These projects, with the associated costs, include: (1) Water quality monitoring and program development (under CWA and SDWA) - $131,864; (2) Flood control for Wakpala District, including a feasibilty study on flood control and design and construction of a bridge - $240,000; (3) Dam safety and recreation enhancement at the Rock Creek Dam and reservoir - $110,000; (4) Geographic Information System - $66,704; (5) Water service to rural homesites (wells) - $60,000; (6) Replace one Oahe Dam turbine with a steel runner for hydropower enhancement, with additional power to be marketed by the Tribe - $2,000,000; and (7) Rangeland development (wells for stockwatering) - $250,000. These projects put our water to use on the Reservation, for economic development and to enhance the quality of life for our people.

Our natural resources program is designed to develop our mineral resources and establish environmental protection programs. Our existing program operates on a budget of $70,000, and needs an additional $35,000 for consulting services for mineral development, and $231,000 for an assessment of pesticide use (under FIFRA), landfill adequacy, air quality, radon contamination and the cleanup of hazardous wastes at the Fort Yates solid waste dump site. Our Game and Fish Program operates on a budget 85,600, and needs an additional $99,000 for legal services and a wildlife biologist.

In closing, let me state that we in Indian country feel victimized by America's short memory. America has forgotten the contributions of our ancestors to her prosperity, that of our veterans for her freedom, and the right of self determination which our ancestors reserved in our treaties. Instead, Indian hate groups scorn these rights, and threaten our continued existence as Indian Tribes, as people with distinct rights and cultures. Mr. Chairman, in considering this budget request, I implore you not to forget the overwhelming needs of our Lakota children, and their right to live and prosper as American Indians.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

RONDELL LeBEAU, PROGRAM ADMINISTRATOR, UNITED SIOUX TRIBES
RAY HIGHEAGLE, EXECUTIVE ASSISTANT TO APPROPRIATIONS

Mr. ATKINS. United Sioux Tribes?

Mr. LEBEAU. Good afternoon, Mr. Chairman.

Mr. ATKINS. Good afternoon.

Mr. LEBEAU. Allow me to introduce myself. My name is Rondell LeBeau. I'm the program administrator for the United Sioux Tribes employment assistance program.

On my left is Mr. Ray Higheagle. He is the executive assistant. He'll be presenting a short little talk on feasibility.

I come before you requesting an increase in our line item budget for the Bureau of Indian Affairs. We are requesting that $186,412 be added to our present budget. These funds would be used to recruit and hire three new employment and contract analysts for our actual job developers who go out into the communities, find employment of substance for native Americans, go back to the reservations, recruit those candidates, and then try to make a match, and try to prepare the client for the job market. Once a client has found a job, hopefully the client will be able to apply for a subsistence program.

The new monies will also go into accommodating these new staffers with paper supplies, printing equipment, phone training, and so forth.

Down further in the budget, we would like to ask that $40,000 of the new add-on monies be directed to direct subsistence monies for those clients that qualify under the employment assistance program of the BIA. If these funds were given to United Sioux Tribes we would be able to double the amount of clients that we took care of last year and that was 129.

Mr. ATKINS. You had how many job developers and personnel working with those 129?

Mr. LEBEAU. At that time, we had one full-time employment job developer and myself. I was working half-time, and the job developer was working full-time.

Mr. ATKINS. And you were able to place people in what kinds of jobs?

Mr. LEBEAU. The highest kind of skilled job that we were able to place was a young man that was placed as a draftsman for a minority company. He was an entry-level draftsman. Of course, we have all of the other services, like McDonald's and gas station attendants, on the other end of the spectrum. I think the average income that we found for all of our clients was about $5.50 out of 129 that were placed last year.

Mr. ATKINS. Do you have, in your materials that you provided for us, some background on your program last year and the success?

Mr. LEBEAU. Yes, sir. We do. We took a benchmark year study on our clients. It is right behind the Bureau's management. That

was our actual cost, sir. As you can tell, half-time, that was my job at the top. Then, a secretary, she was——

Mr. ATKINS. This is your budget for your benchmark year. Do you have something more in the narrative form that might detail for us how the program worked and some of the individuals, some stories of individuals, and how they were assisted. If you don't, perhaps that is something you might be able to provide.

Mr. LEBEAU. Sure.

Mr. ATKINS. To provide for the Committee for the record.

Mr. LEBEAU. Could we submit that?

Mr. ATKINS. Yes, certainly.

[Material was not supplied to the Subcommittee at the time of printing.]

Mr. LEBEAU. Yes, sir. We will provide you with that.

Finally, ending here, sir, and then I'll turn it over to Mr. Higheagle. The activities of this contract that I perform on the 638 contract for the Bureau of Indian Affairs is under Public Law 84-959 and the amendments of Public Law 88-230, so we have a law telling us that we have to help native Americans find these jobs and try to get them onto it.

We wanted to close here, or I'd like to close here with a comment that was given to us by Mr. Wyman, past acting superintendent of the Rosebud reservation. I quote, "Due to the very limited budget, the only thing we can do is realize what we should be doing." Theoretically, there are many things we can do to minimize our high unemployment percentages. In practicality, we are limited and restricted by not having funds at all for job placement and development activities.

Mr. ATKINS. Thank you very much.

Mr. LEBEAU. Yes, sir.

Mr. ATKINS. Mr. Higheagle?

Mr. HIGHEAGLE. I'm Ray Higheagle, the director of the United Sioux Tribe of South Dakota. Our corporation services approximately 50,000 Indian people in the State of South Dakota with many types of services such as water rights planning, economic development, contracting, social services, Federal emergency assistance, and other studies for Indian tribes. We serve the urban Indian people in other cities such as Rapid City, Aberdeen, and Sioux Falls. In the city of Rapid City, there are approximately 9,000 Indian people who populate this city. Rapid City is geographically located in the extreme western part of the State of South Dakota. The concentrated Indian population is derived from 11 Sioux reservations located in North Dakota, South Dakota, and Nebraska.

In addition, there are approximately 2,000 Indians that are constantly in transit through these reservations and Rapid City so, technically, there are approximately 11,000 people in the city of Rapid City. Our total population in Indian country is 78,000 people.

Our request to you today is a concern that has been springing up for the past 30 years regarding the development of an Indian center in Rapid City, South Dakota. There is no place for Indian people to host their activities in the Black Hills area. Our request is for $57,920 to conduct a feasibility study for the Indian center based on the need to service the Indian population in the area.

There are many Indian activities that take place in the Rapid City area such as pow wow's, track events, rodeos, conventions, organization meetings, school activities, family get togethers, tribal workshops, bingo, boxing matches, veterans organization meeting areas, et cetera. What we thought is that by securing this money we would be able to conduct this feasibility study and, in addition to that, hire a consultant to help us with planning, providing that this feasibility study does look good.

This would then place us into a position where we would be able to say, "Yes, we need to have that Indian community center built, or no, it should not be built." By using this consultant, we would then be able to bring a report back to Congress and say that either a community center should be built and here are the preliminary plans; here are the proposed estimated costs, Here is where the site is tentatively scheduled to be, et cetera, et cetera, all the way through.

Thank you.

Mr. ATKINS. Thank you very much.

[The prepared statements of Mr. LeBeau and Mr. Higheagle follow:]

TESTIMONY TO CONGRESSMAN SIDNEY YATES, CHAIRMAN
HOUSE SUB-COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

EMPLOYMENT ASSISTANCE
TESTIMONY
MARCH 14, 15, 1990

I, Rondell R. LeBeau, Administrator of the Employment Assistance program for the United Sioux Tribes of South Dakota Development Corporation (USTDC) would like to submit the following testimony to the House Sub-Committee on Appropriations. and with me today is Ray Higheagle, Executive Assistant, who will submit separate testimony for a feasibility study

For the past twenty (20) years, USTDC has a contract with the Department of Interior, Bureau of Indian Affairs, (BIA) to operate a program which provides direct support, both physical and financial to American Indians residing in the three state-region of North Dakota, South Dakota and Nebraska known to the BIA as the Aberdeen Area. We first would like to express our appreciation for your support, Congressman Sidney Yates, as Chairman for the Sub-committee on Appropriations and other members of the Appropriations Committee for assisting us in Sioux Country. This contract with USTDC directly impacts the tribal goverrment it serves by providing an outlet of relief to the unemployment problem of the reservations and a tribal budget savings in operational costs to combat unemployment. We are not in any way a duplication of services to the Job Training Partnership Act (JTPA) program under the Department of Labor.

In terms of relieving unemployment on the Indian reservations. USTDC"s Employment Assistance contract we need four (4) full time staffed field offices in labor areas, who performed services, such labor job development, job placement and financial assistance for American Indians at the job sites. But we have not had the funding since 1979 to fund four field offices. USTDC has assisted over approximately 5,000 American Indians in obtaining and retaining employment over the past 20 years. Over the same time period USTDC abandoned over 15,000 individuals seeking assistance for employment opportunities because of the lack of appropriated funds. The number of clients making employment visits to the offices of USTDC each year has remained well above the 1,400 count. In addition to the contract services provided under the Employment Assistance contract, we would like to include in our request for additional funds a category for Emergency Aid of $10,000 to serve on the average of 2,600 people each year, which means, approximately 500 people at $20.00 per person. This emergency aid category is for individuals who need gas to get home and food in case they are stranded.

In budget terms, USTDC saves each tribal government and the Bureau of Indian Affairs from having to expend massive amounts of funds to establish and supply; urban offices, staff and cover travel costs to perform the same duties as presently provided. The cost for each individual client is $ 740.00 to place them in a job of substance. Which means, USTDC's Employment Assistance office with increased funding would be able to provide job placement for additional people from our backlog.

1980 CENSUS	TOTAL FAMILIES	PERCENTAGE WITH NO ONE WORKING	NO. NOT WORKING	MEDIAN INCOME	TOTAL REVENUE LOST
CHEY RIVER	282	0.028	7.896	$9,697	$76,567.51
LOWER BRULE	162	0.093	15.066	$10.223	$154,019.72
STAND. ROCK	868	0.185	160.58	$8,893	$1,428,037.94
SISSETON	501	0.14	70.14	$7,698	$539,937.72
ROSEBUD	1117	0.173	193.241	$8,318	$1,607,378.64
PINE RIDGE	1998	0.165	329.67	$9,435	$3,110,436.45
FLANDREAU SANTEE	-	NO DATA			
YANKTON	291	0.186	54.126	$8,893	$481,342.52
CROW CREEK	285	0.098	27.93	$10,331	$288,544.83
SUB-TOTAL	5,504	1.068	858.649	$73,488	$7,605,451.00
TOTAL AVE.	688	0.1335	107.331	$9,186	$11,054.43

It is estimated that over $ 1,239,000 by the BIA would be needed each year to support each tribe to cover the same contractual duties performed by USTDC. This expense would have to be paid out of the operational budgets of the BIA already underfunded tribal governments, who have contracted Em ployment Services under P.L. 93-638 and in contrast are minimal in dollars to support their own Employment Services offices on the reservations. The tribal governments are not able to support an office in labor areas.

Dollar for dollar, USTDC's contract expends up to 80% of it's entire budget for direct services to the clients. The direct services called for under this contract are three (3) distinctive types.

Service Number One

The service of labor development is the physical searching, screening and creation of full time employee openings within a company. This service is a very time consuming and intensified

process. Time consuming because of the activities required in searching for companies who have job openings and future job availability. This service requires intensified discussions with the company management regarding jobs and positions of substance for the Native American

Service Number Two

The service of job placement is the physical search for qualified semi-skilled or skilled American Indian applicants for a specific job opening. This requires that USTDC have direct contact with the prospective applicant for purposes of in-depth screening for job match up. This service also requires that job market awareness data be provided to the client for purposes of informing the client about what would be expected of them on the job.

As you can tell, these two (2) services are very client oriented. These are the actual job procurement services. To place these clients at the job site, the cost in man hours is very high.

Service Number Three

The service of community adjustment is where USTDC, Tribal Governments or the BIA become involved at the same time. This is where the coordinating of the disbursement of the funds to the client are funneled through USTDC. At this point USTDC has the sole responsibility for this disbursement and reporting of funds. Of the fifteen tribes, we work with, in the Aberdeen Area, only three tribes are disbursing moneys through their P.L. 93-638 tribally contracted programs to serve their clients. I would like to use a quote from Mr. Wyman McDonald, Past Acting Superintendent of the Rosebud Reservation.

> "Due to a very limited budget....the only thing we can do is realize what we should be doing. Theoretically, there are many things we can do.....to minimize our high unemployment percentages, but practically, we are limited and restricted by....not having any funds at all for job placement or development activities."

Through many years of experience, USTDC knows that the American Indian client that is placed on a job through the Direct Employment programs will not have individual savings or cash to subsidize themselves for the initial first month after the client is in the labor force. This is because this service deals directly with providing program funds to qualified non-skilled, semi-skilled and skilled clients. These funds are needed for the client to pay for; establishing new residences, moving costs, food costs, specific work clothing, and tools. This service is necessary because of the client's new approach to a new economic and social environment.

This entire program is administered through the Branch of Tribal Programs - Division of Employment Development under the Bureau of Indian Affairs.

USTDC's program is a line item in the BIA's budget on page 91 of the Bureau of Indian Affairs fiscal year 1991 budget and because of our unique situation, USTDC needs an increase in their budget to deal with the unemployed American Indian coming off the reservation to seek employment.

Therefore, USTDC respectfully requests an increase in our appropriated funds to $ 286,412.00 in the fiscal year 1991 budget, which is an increase of $ 186,412.00. and those same funds be ear marked for United Sioux Tribes of South Dakota Development Corporation's Direct Employment program as a separate line item. We have operated with limited funds over the years with an increase of unemployed American Indians since 1980 when the domestic programs were receiving cuts in the national budget. We realize that everyone in congress is aware of the budget deficit. But, we understand there have been increases in dollars in the defense programs unrelated to employmentof American Indian people. We would hope that those dollars that are cut back from the defense programs would be added to the Bureau of Indian Affairs budget and Tribal programs to increase USTDC's line item appropriated amount for the increase of $ 186,412.00 to employ the unemployable. This will give us the opportunity to expand our services and cover the bigger cities in the three state area.

USTDC is working to expand our service area with each of the reservations along certain areas of employment such as transporting American Indians from the origin site to the destination point and the tribes have limited resources for paying for buses, gasoline and other expenses related to employment. There are other labor costs involved in attempting to seek new opportunities for American Indians in employable location sites. There are funds needed for labor union dues that never were included in the Direct Employment program costs. With this request for direct employment funds, the actual number of American Indians who will receive financial assistance for community adjustment services will double. The budget justification narrative and breakdown is as follows:

EMPLOYMENT ASSISTANCE BUDGET
FY 1991

ADMINISTRATIVE PERSONNEL

PROGRAM ADMINISTRATOR		$27,6[illegible].00	
SECRETARY		$16,7[illegible].00	
EMPLOY & CONTR. ANALYST		$18,265.00	
EMPLOY & CONTR. ANALYST		$18,265.00	
EMPLOY & CONTR. ANALYST		$18,265.00	
	SUBTOTAL	$99,540.00	
FRINGE BENEFITS		$22,694.00	
	TOTAL		$121,234.00
AUDIT		$2,800.00	
TRAVEL			
	STAFF	$7,000.00	
	CLIENT	$8,712.00	
SUPPLIES		$3,000.00	
PRINTING		$2,000.00	
EQUIP'T (ADP)		$5,000.00	
TRAINING		$3,000.00	
TELEPHONE		$8,000.00	
POSTAGE		$1,500.00	
CONSULTATION		$1,000.00	
SPACE		$500.00	
SUBSCRIPTIONS		$400.00	
	SUBTOTAL	$42,912.00	
TOTAL			$164,146.00
DIR.SUBSISTENCE		$40,000.00	
EMERGENCY AID		$10,000.00	
CLIENT CERT.		$15,000.00	
	SUBTOTAL		$65,000.00
SKILLS BANK			$10,000.00
INDIRECT COST 29.7%			$47,266.00
	TOTAL		$286,41[illegible].00

BUDGET JUSTIFICATION
Fiscal Year 1991

Personnel----------$ 121,234.00

The cost of all personnel to operate the grant for one year. This would include the Program Administrator who acts as both an Administrator and a Job Developer.

One Secretary to perform all clerical support functions.

Three newly created positions for Contract Analysts, who are contact persons to both employers and American Indian candidates.

Audit----------2,800.00

The cost of audits necessary for the administration and management of functions related to grant programs.

Travel----------Staff 7,000.00
Clients 8,712.00

The cost for expenses for transportation, lodging, subsistence and related items incurred by employees who are in travel status on official business incident to the grant program.

Space----------500.00

The cost of renting privately owned building space for storage of equipment and files until properly disposed of through Bureau procedures, and costs incurred during rearrangements and alteration of a facility, UST Central office used by grant personnel for extending the useful life of the facility, and costs incurred during necessary maintenance report or upkeep of property, and cost incurred for meetings to disseminate information directly related to the grant program.

Supplies----------3,000.00

Cost incurred for office supplies and material necessary for us to carry out the grant objectives.

Printing----------2,000.00

Cost incurred for grant administration and for exhibits directly relating to grant program.

Equipment----------5,000.00

Cost of rental-purchase agreement for automatic data processing equipment.

Re-training----------3,000.00

Cost of in-service re-training for purposes of enhancing grant personnel skills and in the day-to-day course of their duties under the grant guidelines.

Telephone----------8,000.00

Cost incurred for the tele-communications.

Postage----------1,500.00

Cost incurred for using the U.S. Postal Service for mail and package deliveries.

Direct Subsistence Funds----------40,000.00

These funds will be used to assist reservation qualified candidates who demonatrate a need for; funds to cover residence re-adjustment costs. These costs cover moving expenses, deposit costs, partial and complete first month rent costs, food costs, transportation costs, temporary lodging costs, housing search costs, clothing costs and tools costs.

Emergency Aid Funds----------10,000.00

These funds will be used to assist clients from the reservation and urban areas with funds to correct and relieve situations that cause distress for more than a forty eight (48) hour period. This will be a one time per year opportunity and will be offered only once.

Client Certification----------15,000.00

These funds are for certification of personnel in the program who need to pay for union fees, entrance fees, classroom fees and licensing.

Skills Bank----------10,000.00

These funds will be used to set up a Skills Bank training program for the reservations TERO offices and develop a system to determine the skil levels of the participants in the Employment Assistance program.

Indirect Cost----------47,266.00

This item,indirect cost, is necessary as it is the allowable cost for the program established by the Department of the Interior Inspector Generals office and the Bureau of Indian Affairs to administer the contract under P.L. 93-638.

In conclusion, Congressman Yates, The United Sioux Tribes of South Dakota Development Corporation has worked hard over the past twenty years, committed to the fact of placing Indian people in the job market. Today with everyone's program in America being cut, and therefore deficit spending is a priority and tax conscienceness being a major topic, all of which are placing minorities in a difficult position by being left out of the Federal Budget.

Over the years, the United Sioux Tribes of South Dakota Development Corporation, Employment Assistance Program has become national in scope as the program has had to assist our Sioux Indian people in all parts of the country. Where they have been seeking employment because the Bureau of Indian Affairs allows our contract to go beyond the boundaries of just our State. Our request to continue placing Indian people in the Aberdeen area as they become skilled and trained to fit into the job market. Those tax dollars, Congressman Yates and members of your House Sub-Committee on Appropriations are necessary to off-set the unemployment problems that exist on Indian reservations and urban areas. We would hope the Senate Appropriations Committee would be of the same support as you have been over the years.

I am submitting letters of support from the following:

Aberdeen Area Bureau of Indian Affairs Office, National Tribal Chairmen's Association, South Dakota Governors Office and the Aberdeen Area Tribal Chairmen's Association.

Thank You

30-252 O—90——24

TESTIMONY TO HOUSE SUB-COMMITTEE
ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
CONGRESSMAN SIDNEY YATES
FY 1991

ATTACHMENT: SUPPLEMENTAL TESTIMONY

My name is Kay Higheagle, Executive Assistant to the Director of the United Sioux Tribes of South Dakota Development Corporation in Pierre, South Dakota. The corporation serves fifty thousand (50,000) Indian people in the State of South Dakota with many services, such as Employment, Water Rights, Planning, Economic Development, Contracting, Social Services, Federal Emergency Assistance and other studies for Indian Tribes, in our respective area.

We serve the Urban Indian people in other cities, such as Rapid City, Aberdeen and Sioux Falls. In the City of Rapid City, there are approximately nine thousand (9,000) Indian people who populate this Black Hills City. Rapid City is geographically located in the extreme western part of the State of South Dakota. The concentrated Indian population derives from eleven (11) Sioux reservations in the Aberdeen Area that travel to and live in Rapid City. In addition there are approximately two thousand (2,000) Indian people in transit from the Sioux reservations in South Dakota every year. The United States Census Bureau reports that the 1990 census for Sioux Indian people is seventy eight thousand (78,000) around the country.

Our request to you today is a concern, that has been springing up for the past thirty years, regarding the development of an Indian Center in Rapid City, South Dakota. There is no place for Indian people to host their activities in the Black Hills Area. Our request is for fifty thousand nine hundred and twenty dollars ($57,920) to conduct a feasibility study for the Indian Center based on the need to service the Indian population in the area.

There are many Indian Activities that take place in the Rapid City area such as Pow Wows, Track Events, Rodeos, Conventions, Organization Meetings, School Activities, Family get togethers and Tribal Workshops.

It is important to know that the Indian Center will be well managed and operated by the United Sioux Tribes of South Dakota Development Corporation, in conjunction with the Indian people in the area. The Feasibility Study funds would be used to accomplish a survey of the Indian population in the area, the quantity of activity taking place each year to pay the utilities and the maintenance of the facility. Under the Feasibility Study, we would need a full time person who would be available to conduct the survey and collect all the data necessary to determine the degree of activity, financial needs and other resources available to develop the Indian Center. With this feasibility study completed, we will be able to come back to Congress with the vital information to report whether the structure should be built or not built.

INDIAN CENTER
PROPOSED BUDGET
FY 1992

Survey Coordinator	$25,000.00
Clerk/stenographer	7,800.00
Fringe Benefits	4,920.00
Travel	5,000.00
Telephone	3,000.00
Supplies	2,000.00
Postage	200.00
Printing & Publishing	2,000.00
Consultant	8,000.00
TOTAL	$57,920.00

BUDGET NARRATIVE
JUSTIFICATION
FY 1992

Personnel:

Survey Coordinator ---------- $25,000.00

This position is the individual that will collect the information and data for the feasibility study and be responsible for the final report.

Clerk/Stenographer ---------- 7,800.00

This individual shall work closely with the coordinator to assist him in accomplishing the necessary reporting for the feasibility study.

Fringe Benefits ---------- 4,920.00

This is the usual 15% fringe benefit package, which includes, health benefits, insurance, workman's compensation and other taxes.

Travel ---------- 5,000.00

The will be necessary to travel to parts of the State to work with the different Sioux tribes to gain the data and informaiton on population to be served by the Indian Center.

Supplies---------- 2,000.00

The Coordinator shall obtain supplies and material to accomplish his efforts to gather the data for the feasibility study.

Telephone---------- 3,000.00

Of course, it will be necessary to have budgeted $ 250.00 per month for telephone over a period of twelve months to gain the collected data to complete the feasibility study.

Postage---------- 2,000.00

The population in the Rapid City area and Indian reservations must receive questionaires and letters on the progress of the feasibility of the Indian Center.

Printing and Publishing---------- 2,000.00

This item is necessa.y as there will be presentations made to the Indian populaton, Rapid City Chamber of Commerce and have the completed feasibility printed in it's final report for presentation to the Congress.

Consultant fee---------- 8,000.00

The consultant is a very necessary part of this project because if the Indian Center proves to be feasible, then preliminary plans and planning will form a major part of the final report.

TOTAL---------- $57,920.00

In summary, our request for an Indian Center in Rapid City, South Dakota is needed by the Indian community there as they are not included in the Cities building and social activities. The United Sioux Tribes of South Dakota Development Corporation would conduct the feasibility study. Our request for the $ 57,920.00 would be out of the Bureau of Indian Affairs Economic Development program account. Through the survey process we would be contacting local government and local enterprises for the development and acquisition of the Indian Center site.

The Indian people in Rapid City have requested this Indian Center from the United Sioux Tribes of South Dakota Development Corporation many times over the past twenty years and they would appreciate your support for ~~this~~ facility.

Thank You

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

JOHNNY LEHI, VICE CHAIRMAN, SAN JUAN SOUTHERN PAIUTE TRIBE
ROBERT PEREGOY, TRIBAL ATTORNEY, NATIVE AMERICAN RIGHTS FUND

Mr. ATKINS. San Juan Southern Paiute Tribe?

Mr. LEHI. Good afternoon, Mr. Chairman. My name is John Lehi. I'm the vice chairman of the San Juan Southern Paiute Tribe. Appearing with me today is our attorney, Robert Peregoy of the Native American Rights Fund.

I have two reasons for testifying today. First is to seek supplemental BIA appropriations for our tribe for fiscal year 1991 in the amount of $600,000. Second, to ask for the supplemental appropriation in the amount of $250,000 for the remainder of fiscal year 1990.

We have not been included in the BIA budget for either of these years. In December 1989, the BIA issued its final determination. We are a separate and distinct tribe located within the boundary of the Navajo reservation. This decision is currently being reviewed by the Secretary. From all indications, it appears the Secretary will uphold the BIA's decision.

We expect Federal recognition to be effective within 15 to 65 days. To give you an idea of budgetary needs, I would like to tell you a little about how we live today. We have about 250 people in our tribe or who are eligible for membership. Most of our people live in northern Arizona and southern Utah on a Navajo reservation. Basically, we live today like we did years ago on a subsistence economy based on livestock herding and family farming.

Our main source of food comes from our small herds of sheep and goats and a few cattle. We also grow crops in the summer on a few acres of farmland. The rest of our food comes from commodities or stores purchased with food stamps, general assistance, and a small amount of cash from the sale of San Juan baskets.

Our living conditions are poor by any standard. We have never gotten new homes through HUD or any other Government programs. The few homes we do have are overcrowded and substandard. Our houses need extensive repair and weatherization. On top of these problems, we do not have electricity or running water. These conditions are very unhealthy for our people.

Two years ago, my 85-year old grandmother had heart bypass surgery in the summer of 1988. Because her one-room house was too hot for her during the daytime, we had to put her on a mattress on the ground outside. Some of our teenage girls had to sprinkle water on the dirt by where she was laying just to keep her cool.

The unemployment rate of San Juan on the reservation is 100 percent. Not one San Juan adult over the age of 18 has a full-time or regular part-time wage-earning job. Not one San Juan has a job with the BIA or any other Government agency.

Our most important resource is our young people. Their potential, for the most part, is untapped and being wasted. The school dropout rate for our youth is very high. Right now we can count

only two or three San Juans who are in college, and they are struggling due to financial aid programs.

I could go on and on, but I think I have said enough to give you a picture of our poor living conditions. To begin to solve these problems, we need to build our tribal government in order to help ourselves. These are many of the problems we hope to resolve before Federal recognition and government-to-government relationship of the United States.

This concludes my testimony. Thank you for your time. Please feel free to ask me any questions.

Mr. ATKINS. Thank you very much. You paint a very compelling picture in terms of the circumstances, and we appreciate the change with the tribal recognition. Let me assure you that this Committee will look very closely at that situation. As I'm sure you're aware, our resources are scarce this year, but we will try to respond as best as we're able.

Mr. LEHI. Thank you.

Mr. PEREGOY. Thank you very much.

Mr. ATKINS. Let me just say that with the new generation of leadership, and if you're representative of that, I'm sure that the tribe has much better days to look forward to.

Mr. LEHI. Thank you.

[The prepared statement of Mr. Lehi follows:]

STATEMENT OF JOHNNY LEHI
VICE-CHAIRMAN
SAN JUAN SOUTHERN PAIUTE TRIBE
BEFORE THE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES
MARCH 15, 1990

BACKGROUND INFORMATION

Good afternoon Mr. Chairman and members of the Committee. My name is Johnny Lehi. I am the Vice-Chairman of the San Juan Southern Paiute Tribe. I am here today in place of our tribal chairperson, Evelyn James, who is unable to appear today due to a prior commitment. Also appearing with me today is our attorney, Robert Peregoy of the Native American Rights Fund. My purpose in testifying is twofold: first to seek a supplemental appropriation to the BIA budget in the amount of $600,000 for our Tribe for FY' 91; and second to seek a supplement to the BIA budget for the remainder of FY '90 in the amount of $150,000 This amount will cover certain costs between the effective date of federal recognition up to the beginning of FY '91. I will now briefly explain our situation and needs.

The San Juan Southern Paiute Tribe has resided in northern Arizona and southern Utah for hundreds of years on what became known as the Navajo Reservation. Today our tribal membership totals approximately 250 people. The majority of our members continue to reside on various parts of the present-day Navajo Reservation in Arizona and Utah.

In the early 1980's we submitted a petition to the BIA for federal recognition. The review process took a long time, in large part due to opposition by the Navajo Tribe. Finally, on December 15, 1989 the BIA issued its Final Determination acknowledging that we exist as an Indian tribe. The Navajo Tribe has requested a reconsideration of the final determination. We expect that federal recognition will be final and effective within 15 to 65 days.

Because federal recognition is not yet effective, the BIA has not done a needs assessment for our Tribe. As a result, we have not been included in the BIA's FY '91 appropriations request. Nor have any BIA dollars been set aside for the San Juan Southern Paiute Tribe for the remainder of FY '90 after federal recognition becomes effective. Therefore, we must appeal to Congress for dollars for the remainder of FY '90 and for all of FY '91.

The San Juan Southern Paiute Tribe is also presently in litigation against the Navajo Tribe in federal district court in Phoenix in the land claims case entitled Masayesva v. Haskie v. James. The trial was just completed last month. In that case we claim title to various portions of the Navajo Reservation in Arizona which San Juan Paiutes have occupied and used for hundreds of years. We do not know when the Court will issue a decision. It is likely that any decision will be appealed. In addition, there will be a second trial in the future for the purpose of partitioning land among the San Juan Paiute, Hopi and Navajo Tribes. Finally, we were recently granted intervention in Arizona State court in the water rights case regarding the Little-Colorado River system.

Because a full needs assessment has not been done and because we do not yet know what our tribal land base will be, we cannot give you exact figures today regarding our Tribe's needs. However, we are able to provide you with reasonable estimates and projections.

NEEDS

To give you an idea about our budgetary needs, I would like to tell you a little about how we live today . . . and about how our tribal government is organized and functions.

In a nutshell, the San Juan Southern Paiute Tribe lives today like we did 100 years ago -- on a subsistence economy based on livestock herding and family farming. Our main source of food comes from our small herds of sheep and goats and a few cattle. In the summer we consume produce grown on a few acres of farm land. The remainder of our dietary needs is met by government commodities and store products purchased through food stamps, general assistance and a limited amount of cash from sales of San Juan baskets.

Our living conditions are poor by any standard. We have never gotten new homes through HUD or any other government program. The few homes we do have are overcrowded, sub-standard and in need of extensive repairs and weatherization. On top of these problems, we do not have electricity or running water. These conditions are very unhealthy for our people. Two years ago, my 85 year old grandmother had heart by-pass surgery in the summer of 1988. Because her one-room house was too hot for her during the daytime, we had to put her on a mattress on the ground outside. Some of our teenage girls had to sprinkle water on the dirt by where she was laying just to keep her cool. Nobody in this wealthy country should have to live like that.

We also need roads and bridges in our country. Right now in the Hidden Springs area there is a wash that floods and is impassible when it rains a lot in the Spring. The school

children are unable to get across the wash after the bus drops them off. Oftentimes they are forced to miss school in order to be safe.

Communications are also a problem. We have no phone lines. To make a phone call, we must travel up to eighteen miles to the nearest phone. This disrupts everyday business, not to mention the danger in emergencies.

The unemployment rate of San Juan adults living on the reservation is 100 percent: not one San Juan adult over the age of 18 has a full-time or regular part-time wage-earning job. The school drop-out rate of our youth is also very high. Right now we can count only two or three San Juans who are in college. And they are struggling due to financial aid problems. Just last week, the parents of a San Juan college student attending nursing school in Phoenix received a bill of $4,000 for education costs for their daughter. They do not have the money to pay this bill.

Our most important resource is our young people. Yet their potential is untapped and being wasted. Many would like to acquire job skills, go to vocational school or college, and find wage work. We need to channel their energies and link them with available educational and job-training programs so they can work. Summer youth employment and training is a place to start. But these opportunities have not yet been made available to the San Juan people.

I could go on and on, but I think I have said enough to give the picture of our poor living conditions. These are many of the problems we hope to correct with our federal recognition and government-to-government relationship with the United States.

In order to begin to solve these problems, we need to strengthen our tribal government in order to help ourselves. I am 32 years old. My generation of tribal leaders is the first generation of San Juan leaders who either speak, read or write English. In many respects, we are going from a 19th Century tribe into the 21st Century. It is exciting for us, but it is also frightening. And we need the help of the United States government in order to make a successful transition.

We do not have a written constitution or by-laws. Up to now we have conducted tribal government business by consensus decision-making among the elders. Because the Tribe has no money or tribal income, we have not been able to administer tribal programs. And because we are not yet officially recognized by the federal government, we have not been able to administer government-funded programs. In short, we need a lot of help in getting started to meet the needs of the San Juan Southern Paiute people.

APPROPRIATIONS FOR SERVICES/PROGRAMS

In order to meet the many needs I have just testified about, we need to establish a core tribal government administration. We also need training and technical assistance. We have no financial resources to do this. Therefore, we need and respectfully request a special appropriation from Congress for the San Juan Southern Paiute Tribe under a combination of new tribes, small tribes core management and aid to tribal governments, as follows:

Tribal Administration For FY '91 we need dollars for funding the following tribal positions: executive director, planner, housing improvement coordinator, community/social services director, economic development specialist, enrollment specialist, accountant and secretary. We also need dollars for fringe benefits, computers, office space and supplies and office equipment and travel costs. We are also asking a pro-rated amount of these costs for the remaining four-month period in FY '90.

Training and Technical Assistance For FY '91 we need dollars for T & TA for: development of a written constitution and by-laws, training of tribal officials and employees and development of the capability of the executive, legislative and judicial branches of the tribal government. For the balance of FY '90, we are requesting a pro-rated amount for these purposes.

Other contracts Under 93-638 For FY '91 we are requesting dollars for contracts/services of: direct employment and adult vocational training, substance abuse therapy, higher education scholarships, development and oversight of water claims, general assistance, law enforcement and judicial services. For the remainder of FY '90 we are requesting a pro-rated amount for these contracts/services.

This concludes my testimony. Thank you for listening to me. We will be pleased to answer any questions.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS, FISH AND WILDLIFE SERVICE

WITNESS

DANIEL PRESS, LEGAL COUNSEL, JICARILLA APACHE TRIBE

Mr. ATKINS. Jicarilla Apache Tribe?

Mr. PRESS. I am not Levi Pesata, the tribal chairman.

Mr. ATKINS. That much I figured out.

Mr. PRESS. My name is Daniel Press. I'm the Washington legal counsel for the Jicarilla Tribe. President Pesata expresses his regrets for not being here and his appreciation for you taking the time to listen to the tribe's concerns.

There are two concerns. One is our request for some funding from the BIA for a fish biologist. The second is for the Committee's intervention with the Fish and Wildlife Service to ensure that other Federal funds are equitably distributed to Indian tribes.

A number of years ago, the Jicarilla Tribe made the decision to build their economy on their recreational natural resources, and they have been very successful in what they have tried to do so far. They started developing the big game capability. They now have probably one of the finest, if not the finest, big game trophy hunting in the United States.

It provides a number of jobs for guides, for management, and also they built a very fine hotel that serves hunters during the hunting season. The problem is that all of this is seasonal, and they would like to complement their hunting with development of their fish capability, develop a sports fishing program to complement their hunting. To do that, they would like to develop it the same way they developed their trophy hunting, which is with a careful management approach. For that, they are seeking $70,000 for a fish biologist, a fish technician, and some supplies. The tribe will match that on a 50/50 basis.

It feels funny coming here and asking the Committee for a $70,000 appropriation. It is something the BIA should be handling, but the BIA consistently has refused to ask this Committee for adequate appropriations for fish and game, so we have to come here and request it.

Mr. ATKINS. So we're not only having all the Indians beating up on the BIA, but we are now getting the Washington lawyers, too?

Mr. PRESS. It is a local Washington sport.

We'd like to beat up on the Fish and Wildlife Service as well. The Pitman-Robinson Act and amendments to it provide funding to States and for American possessions for wildlife restoration projects. The way the law is written, everybody you can think of, every Government entity, gets funding, including States, Guam, Puerto Rico, and Samoa. That is, everybody but Indian tribes. I think this Committee has heard enough testimony to know that the States generally do not serve Indian tribes.

We think the long-term solution to this is for Congress to amend the act to provide for a set-aside for the Indian tribes under the Pitman-Robinson Act. Until that is done——

Mr. ATKINS. Let me just, if I could, stop you right there.

Mr. PRESS. Sure.

Mr. ATKINS. Just for a point of clarification. The Pitman-Robinson Act is a permanent appropriation, so it is not under the jurisdiction of this Committee. You would require separate authorizing legislation in order to do that. I would suggest that there seems to be considerable sentiment for this as the tribes are developing more aggressive programs for wildlife management. It seems to be a problem that—I don't know how much of the testimony you've heard this afternoon, but a number of other tribes have raised the very same problem. You might want to discuss that issue with staff at a later time.

Mr. PRESS. One additional point, Mr. Chairman, was that until the authorization language is changed, this Committee, through appropriations language, can direct the Fish and Wildlife Service to order the States to equitably fund tribes with that money. I think that is appropriate report language or bill language, and that's what we would urge pending a change in the appropriations language. We recognize that this Committee doesn't have the ability to change the authorization language.

Mr. ATKINS. Okay.

Mr. PRESS. Thank you.

Mr. ATKINS. Thank you very much. I would encourage you to go to work on that. That is obviously the more effective way to——

Mr. PRESS. We will do that.

[The prepared statement of Mr. Pesata as submitted by Mr. Press follows:]

TESTIMONY OF LEVI PESATA, PRESIDENT, JICARILLA APACHE TRIBE PRESENTED TO THE SUBCOMMITTEE ON INTERIOR APPROPRIATIONS, APPROPRIATIONS COMMITTEE HOUSE OF REPRESENTATIVES, MARCH 15, 1990

The Jicarilla Apache Tribe appreciates this opportunity to submit testimony to the Committee. The Tribe is seeking an appropriation of $70,000 through the BIA to enable it to hire a ffsh biologist. It is also seeking language that would enable Indian tribes to obtain funding from the Dingel-Jackson and Pitman Robinson Act funds which are administered by the Fish and Wildlife Service of the Department of the Interior.

I. BIA Funds for a Fish Biologist

Over the past eight years, the Jicarilla Apache Tribe has developed its big game resources into one of the preeminent big game hunting areas in the country. Our trophy elk hunts bring signficant income to the Tribe, provide seasonal employment for many tribal members, and provides business for our tribally-owned motel and restaurants. We did this through careful management of our big game resources, starting with the employment of a wildlife biologist, followed by training of tribal members in this field. It has been a very successful venture but it is seasonal, leaving our tribal members unemployed and our businesses underutilized for a large part of the year.

We are therefore seeking to replicate our success in big game management by developing our sports fishing potential, thereby providing year round recreational economic activity on the reservation. Jicarilla has the largest natural lake in the State of New Mexico as well as many smaller lakes and rivers and thus the potential to have trophy fish that equal in reputation our trophy deer and elk. But to do this we need to begin by hiring a fish biologist. Our hope was that the BIA would request and receive funds for reservation fish and wildlife development. However, the President's proposed FY 91 budget would reduce BIA fish and wildlife management funds by over $6 million from the FY 90 level. We therefore request that the Committee include a line item appropriation for $70,000 for Jicarilla sports fish development, that would match an equal amount the Tribe is investing in sophisticated equipment and monitoring tools. The $70,000 would provide funds to hire a fish biologist, a fish biologist technician, and supplies for them. This small investment will produce signficant economic benefits in terms of increased employment, increased patronage of reservation businesses, and increased federal tax revenues from the purchase of fishing equipment. A detailed description of the proposed project is attached to this testimony.

II. Provide for an Indian Set-aside Under the Dingel-Jackson, Pitman Robinson Wildlife Restoration Funds

Presently, the Federal government collects over $400 million annually from special taxes on hunting and fishing equipment. Those funds in turn are granted to state governments and American territories for wildlife restoration projects. While a signficant amount of hunting and fishing takes place on Indian reservations, virtually none of this money ends up being spent on reservation wildlife restoration projects. The Act as now written, makes every other governmental entity eligible -- States, American Samoa, Puerto Rico, etc. The federal government has recognized in many other areas that funds granted to states never reach tribes and reservations. In response it has provided set-aside funds specifically for Indians. For some reason this has not been done in regard to wildlife restoration programs, even though reservation activity contributes to the taxes that are the source of these funds. Until action is taken by the authorization committees providing for an Indian set-aside, we request that this Committee instruct the Fish and Wildlife Service to require states to subgrant an equitable share of these funds to tribes for reservation projects. The Service should also be instructed to collect and provide to the Committee data showing the amount of such funds that were spent on Indian projects.

III. Indian Funding Under the North American Wetlands Conservation Funds

There is also a need to provide an Indian set-aside under the recently enacted Wetlands Conservation Act. That Act provides funds for the restoration or development of wetlands. Jicarilla and many other tribes have important wetlands areas on their reservations. However, Indians and reservations likely will again be excluded from the funding Wetlands Conservation Council will grant for conservation projects. We therefore request that the Committee include language in the Fish and Wildlife Service appropriations that provides for a 5% Indian set-aside in the funds appropriated to implement that Act.

The Tribe appreciates your consideration of these concerns and invites you to visit our land and see for yourself the fruits of our wildlife management program and the potential that exists for a similar program in the are of sports fishing. Thank you.

A. FUNDING NEED AND JUSTIFICATION

The Jicarilla Apache Reservation contains 7 fishing lakes ranging in size from 30 to 500 surface acres, and totaling approximately 1300 surface acres. Most of these lakes are man-made impoundments that are dependent on run-off waters; with the rest being natural catch basins that were impounded to increase their size. All are suitable for cold water fisheries, primarily trout, and have a long history of providing recreational fishing for citizens of New Mexico and surrounding states.

The Navajo River flows through the Jicarilla Reservation for approximately 10 miles, entering just south of the Colorado State Line. This lightly-fished stretch of river offers good trout fishing in the spring and fall and, with minimal habitat restoration, could become an excellent brown and rainbow trout fishery.

All of the reservation waters are stocked with fish received from the National Fish Hatchery Systems, including Mescalero National Fish Hatchery, Willimas Creek National Fish Hatchery, and Uvalde National Fish Hatchery. Each year approximately 120,000 trout and catfish are stocked into reservation waters.

Fisheries management on the Jicarilla Reservation is entrusted to the Jicarilla Natural Resources Department. This department was re-organized in 1987 and now consists of three divisions; Biological, Law Enforcement, and Parks and Maintenance. The department is funded from Tribal general funds and a 638-Wildlife and Parks contract initiated in FY 1982. The Biological Division of the Natural Resources Department has employed a certified Wildlife Biologist since 1982 who is responsible for the wildlife and fisheries management programs on the Jicarilla Reservation. Although the emphasis has been on wildlife programs, development of the tribal fisheries program is a current priority of the tribe.

Jicarilla lakes are typical of high mountain impoundments in that they are relatively shallow and highly productive. This leads to problems of excessive aquatic weed growth, algae blooms and frequent summer and winter kills.

If intensively managed, these lakes grow fish exceptionally well and provide excellent fishing. With an ever-expanding range of duties the Jicarilla Natural Resources Department is finding it increasingly difficult to properly manage reservation lakes. Some of the recent accomplishments of the department in fisheries management include:

- Annual stocking of 7 lakes.
- Monthly monitoring of water chemistry purometers in selected lakes.
- Creel census surveys to determine fishing pressure and harvest.
- Bi-annual sampling of fish populations to assess fish growth and survival.
- Periodic use of chemicals to control algae and noxious weeds in lakes.
- Experimental stocking of Grass Carp for aquatic weed control.
- Installation of aeration systems in 4 lakes to prevent winter kill.
- Construction of boat ramps and fishing docks to facilitate fishing access.
- Installation of new outlet structures and spillways at 2 lakes to ensure maintenance of proper water levels.

Intensive lake management to produce trophy-quality fishing is the objective of the Jicarilla Apache Tribe. Lake management on the reservation is becoming increasingly complex and time consuming and demands the full-time attention of a qualified fisheries biologist.

The tribe has already spent considerable monies on fisheries equipment including aeration systems, sampling equipment, electro-shocking boat and fish transport truck. What is needed is the services of a professional fisheries biologist to continue current programs and initiate new projects. Potential projects currently being considered include: construction of new fishing reservoirs; installation of a siphon-draining system in one lake; and development of a tribally-owned fish hatchery. The major stumbling block is the lack of a qualified fisheries biologist to pursue development of these projects.

B. OBJECTIVE

The objectives of funding a fisheries management program on the Jicarilla Reservation are to:

1. Increase the level of fisheries management expertise and professionalism.
2. Improve and expand the fisheries management program to fully develop fisheries resources.
3. Increase the quality of fishing by producing larger fish.
4. Increase recreational fishing opportunities for tribal members and non-members alike.
5. Expand training opportunities for tribal members in the field of fisheries management.
6. Enhance the local economy on the reservation by attracting fishermen from surrounding communities.

All of the objectives listed above could be accomplished with the proposed funding. The Jicarilla Tribe has a strong commitment to developing professional fish and wildlife programs on it's lands. This is evidenced by the initiation of the 638-Wildlife and Parks Contract in 1982 and continuing expansion of fish and wildlife programs. The tribe has funded a variety of fisheries programs and has purchased some of the best equipment available to conduct it's programs. The funding of a fisheries biologist position would greatly enhance the present program and ensure achievement of the above objectives.

C. EXPECTED RESULTS AND BENEFITS

The level of proficiency in the fisheries management program will increase under this proposal. Frequency of testing will increase and data collection procedures will improve. Closer monitoring of reservation lakes and fish populations will allow for more intensive management of the fisheries and both the quality and quantity of fishing recreation on the reservation will increase.

The incidence of summer-kill and winter-kill on reservation lakes is expected to decrease under this proposal. This will result in production of larger fish and will reduce stocking costs. Production of larger fish is a primary goal of the Natural Resources Department.

The expected increase in the quality of fishing will result in greater numbers of fishermen visiting the reservation. This increased fishing pressure should result in increased harvest of fish and more efficient turnover of stocked fish.

The local economy will benifit from fishermen visiting the reservation. The tribal stores, motel, gas stations and cafes depend on tourist dollars during the summer months. An increase in the number of fishermen visiting the reservation means increased revenues for local businesses.

Finally, hiring a fisheries biologist will allow for on-the-job training for tribal members. There are 3 tribal members currently employed as biological technicians. These individuals have been trained in wildlife and fisheries management techniques by the incumbent wildlife biologist. A fisheries biologist could expand and refine their training in fisheries management techniques, and train additional technicians.

In summary, funding this proposal will further the Jicarilla Apache Tribe's independence and self-determination in managing their abundant natural resources. The Jicarilla Tribe has a long history of providing trophy hunting and has always shown a strong conservation commitment. The tribe has expended considerable monies upgrading it's wildlife and fisheries management programs and has sought the highest level of expertise and best equipment available to achieve a high professional standard in it's programs. This proposal seeks to further professionalism in fisheries management and achieve equality with the wildlife management program.

D. **SCOPE**

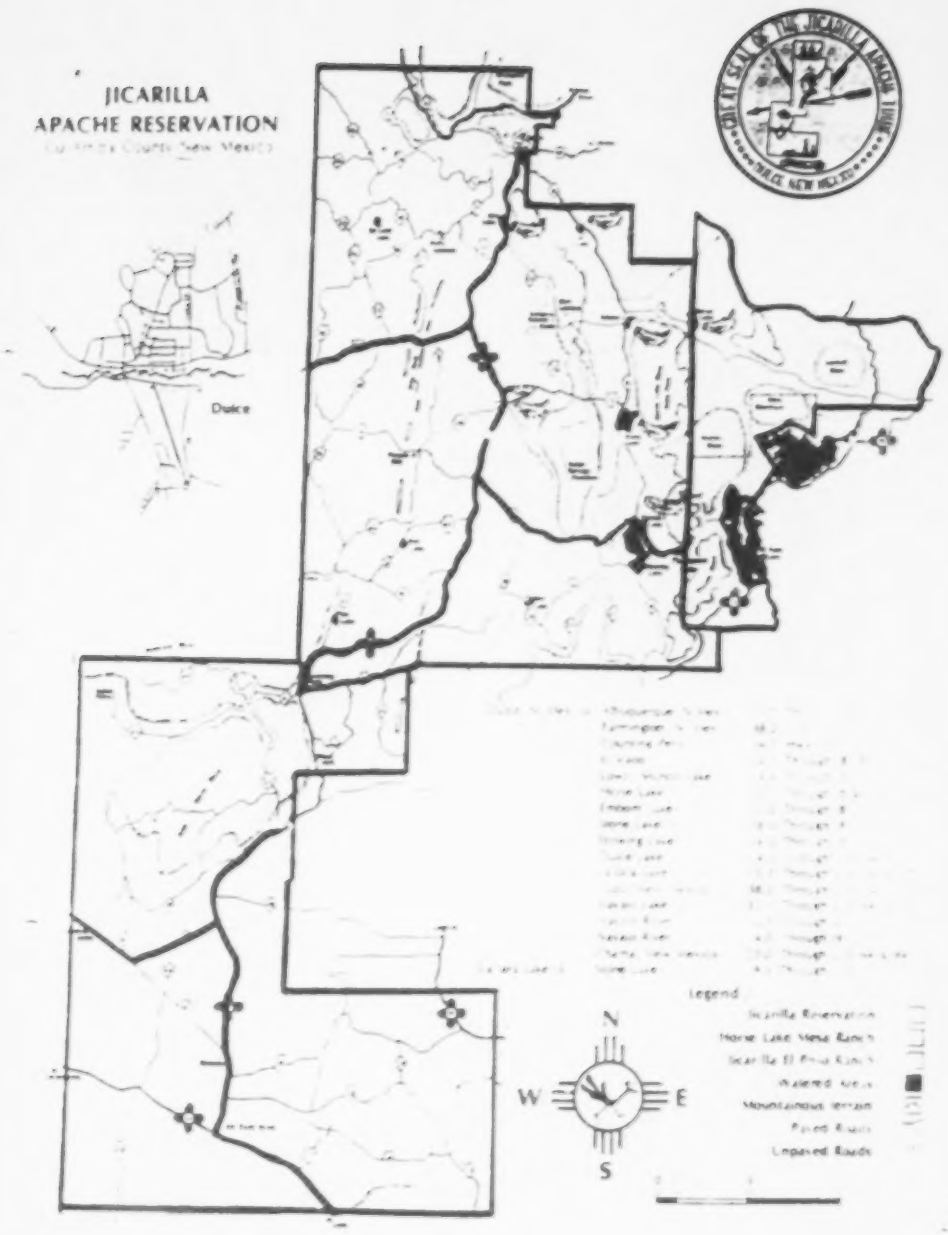
If approved, the funding will be used to hire a fisheries biologist and provide him/her with the necessary equipment, supplies and support staff to accomplish his work. The fisheries biologist will be supervised by the Natural Resources Department Director and will work closely with the incumbent wildlife biologist. An outline of tasks and performance objectives for the first year will be drafted once the fisheries biologist is hired.

Proposed Budget - FY 1991

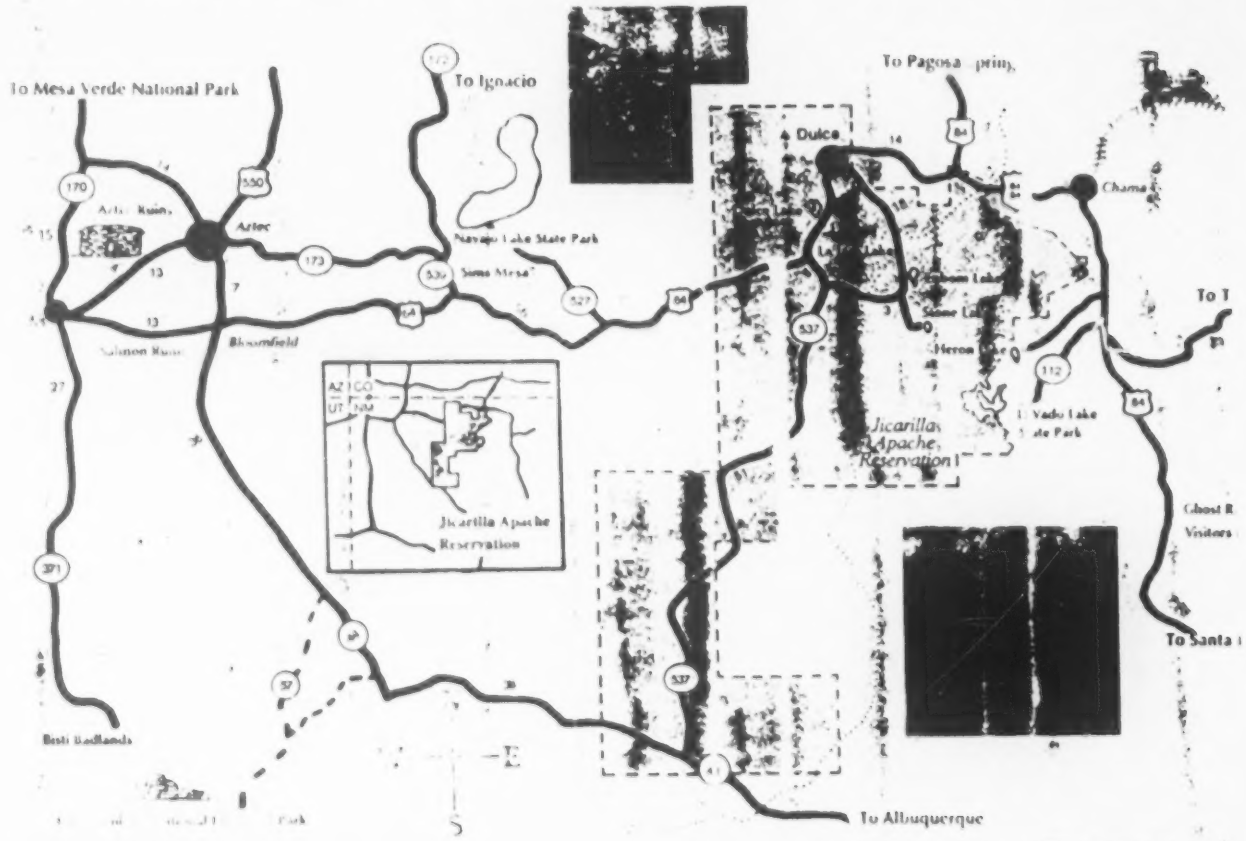
I. Cost for Personnel		$44,449.00
Salaries		
Fisheries Biologist JS-9a	$23,899.00	
Biological Technician JS-4a	$14,092.00	
Employee Benefit Contribution-17%	$6,458.00	
II. Costs for Equipment, Supplies, Services		$25,551.00
3/4 Tone pickup	$15,000.00	
Veh. maint., gas, oil	$4,000.00	
Travel and Per Diem	$1,000.00	
Furniture and Equipment	$2,000.00	
Contractual Services	$2,000.00	
Other Direct Costs	$1,551.00	
III. Total Costs		$70,000.00

Tasks for FY 1991

- On-the-job training and familiarization with reservation fisheries.
- Set up monitoring schedule for water chemistry and fish populations.
- Review fish stocking history and revise 1991 stocking schedule.
- Review past aeration attempts, maintain aerators and make recommendations concerning additional aeration systems.
- Evaluate creel census surveys and make recommendations for changes.
- Review past efforts at rough fish control in Stone Lake and conduct control efforts.
- Review past efforts at algae and aquatic macrophyte control, make recommendations, and conduct control efforts.
- Maintain fisheries equipment.
- Set up appropriate files and prepare reports on activities.


JICARILLA
APACHE RESERVATION
Dulce
N
W
E
S
Legend

JICARILLA APACHE TRIBAL LANDS



elk, bear, turkey and waterfowl.

P.O. Box 546 Dulce, N 28 Ph 505-759-3255

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE, BUREAU OF INDIAN AFFAIRS

WITNESSES

OMAHA TRIBE OF NEBRASKA
DORAN MORRIS, SR., CHAIRMAN
CLIFFORD WOLP, JR., VICE CHAIRMAN
JOHN PEEBLES, TRIBAL ATTORNEY

Mr. ATKINS. Omaha Tribe?

Mr. MORRIS. Good afternoon, Mr. Chairman and members of the Committee. I am Doran Morris, Sr., chairman of the Omaha Tribe of Nebraska. With me is vice chairman, Mr. Clifford Wolp, Jr., to my left, and Mr. John Peebles, our tribal attorney.

Mr. Chairman, we come before you and this Committee today to request your full support and assistance in addressing the funding crisis facing our nursing home and in providing much needed additional dollars to certain of our Indian self-determination contracts under Public Law 93-638, as amended, currently being operated by the tribe.

This is the first time in nine years that the Omaha Tribe is testifying in order to request additional funding for some of its contracts. During these years, we have gracefully accepted all of the cuts in funding and have lost over two-thirds of the contract grants we used to operate. The Omaha Tribe now operates only 10 contracts. We did make one request in 1987 for law enforcement services. We're asking Congressman Doug Bereuter for $150,000, of which $142,000 was made available for this current fiscal year.

However, we can no longer afford to accept any more cuts and are unable to continue operation of our remaining services unless we receive additional funding without further reduction. I present for your review and approval our testimony and supporting documentation.

It has on the handout that nursing home funding is a recurring appropriation of $997,268. The Carl T. Curtis nursing home located in Macy, Nebraska on the Omaha reservation was founded as part of the Carl T. Curtis health center in 1977 to meet the long-term care needs of the Omaha Tribe of Nebraska's elderly. Authority to provide health care to tribal members is based upon the Indian self-determination and health care improvement acts. Funding for the nursing home operation was provided through Congressional appropriations. That was a special appropriation.

This Committee's report in 1977 stated that the Committee expects future Indian Health Service budget requests to contain the necessary funds to operate those health care facilities. Beginning in 1979, the Omaha Tribe, as directed by Congress, contracted with the Indian Health Service for funds to operate the nursing home. We, therefore, began to operate the nursing home by Congressional mandate with the full knowledge and cooperation of the Indian Health Service.

The Indian Health Service, however, no longer feels that it has the authorization to fund long-term nursing care. It has steadily

decreased its support for the nursing home by refusing to officially recognize costs associated with operation of the home.

Indian Health Service determination, in direct conflict with the Committee report, has cost the Carl T. Curtis health education center over $5 million in lost contract monies. Indian Health Service's squeezing of the Carl T. Curtis health education center has led to a dramatic drain on health service funds. This has led to the following detrimental consequences. Number one, detraction from other health services being provided due to the financial drain of the nursing home. Two, inadequate staffing in both the clinic and in the nursing home. Three, limited maintenance and repair funds available for the upkeep of the facility resulting in a decaying physical plant. Four, outdated medical equipment caused by lack of equipment replacement dollars. Five, loss of experienced staff due to lack of step increases in salaries. Six, patients have been turned away because of inadequate skilled nursing staff.

To summarize, the Indian Health Service's failure to recognize the operation of the Carl T. Curtis nursing home has led to a severe deterioration of services provided to an Indian community which already has one of the highest infant mortality rates in the Nation.

To resolve the funding crisis and ensure continued operation of the nursing home, the Omaha Tribe of Nebraska is asking Congress to resolve the funding crisis of the nursing home with a recurring appropriation in the amount of $997,268 with subsequent cost of living adjustments. This figure represents an accurate operating budget for the nursing home which has operated at close to capacity since its second year of operation.

The next item would be judicial service. The total increase requested is in the amount of $78,178.

Mr. ATKINS. Fine. We're going to have to keep people to the five minutes, so I want to make sure you have time to go through.

Mr. MORRIS. Okay.

Mr. ATKINS. Is it just the judicial services? is that the only——

Mr. MORRIS. We've got other items listed. We've got the different pages here. We have handled it——

Mr. ATKINS. This will all go, in full, into the record. Is there anything you want to highlight on the higher education services, or in your real estate, or——

Mr. MORRIS. There are just two items, Mr. Chairman, I'd like to mention.

Mr. ATKINS. Sure.

Mr. MORRIS. On the last page, where we're requesting Blackbird Bend irrigation. The staff left off that we have to construct a ditchline that would drain the water out of that area. That would be the principal project and the total amount of that money.

Lastly, I would like to have this on record that we were in a litigation for the last 14 years for the Blackbird Bend litigation. Our attorney hasn't been paid for the last eight years because of a fiasco that was caused by Senator Charles Grassley from the State of Iowa making a back-door deal with then-Secretary James Watt. Out of payment to our tribal attorney, I would like for you to present this to the BIA. To date, they have not paid our attorney.

Mr. ATKINS. What's the total sum of the bill?

Mr. MORRIS. I don't recall right now, but we could send this to——

Mr. ATKINS. If you could provide backup information on that for the Committee, that would be helpful.

Mr. MORRIS. Thank you.

Mr. ATKINS. Thank you very much.

[The prepared statement of Mr. Morris follows:]

Testimony Of The Omaha Tribe of Nebraska For Increased Funding For Full Operation Of Certain P.L. 93-638 Indian Self-Determination Contracts

House Appropriations Committee
March 15, 1990

Good afternoon Chairman Yates and members of the Committee. I am Doran Morris, Chairman of the Omaha Tribe of Nebraska. With me is the Vice-Chairman, Mr. Clifford Wolfe, Jr.

Mr. Chairman, we come before you and this august Committee today to request your full support and assistance in addressing the funding crisis facing our nursing home and in providing much needed additional dollars to certain of our Indian Self-Determination contracts under P.L. 93-638, as amended, currently being operated by the Tribe.

This is the first time, in nine years, the Omaha Tribe is testifying in order to request additional funding for some of its contracts. During these years, we have gracefully accepted all the cuts in funding and have lost over two-thirds of the contracts and grants we used to operate. The Omaha Tribe now operates only ten (10) contracts. We did make one request in 1987 for our Law Enforcement services through our Nebraska Congressman, the Honorable Doug Bereuter for $150,000, of which $142,000 was made available for this current fiscal year. However, we can no longer afford to accept any more cuts and are unable to continue operation of our remaining services, unless we receive additional funding. Without further introduction, I present for your review and approval our testimony and supporting documentation.

Nursing Home Funding **Recurring Appropriation Requested: $997,268**

The Carl T. Curtis Nursing Home, located in Macy, Nebraska, on the Omaha Reservation, was founded as part of the Carl T. Curtis Health Education Center in 1977 to meet the long-term care needs of the Omaha Tribe of Nebraska's elderly. Authority to provide health care to tribal members is based upon the Indian Self-Determination and Health Care Improvement Acts.

Funding for the nursing home operation was provided through congressional appropriations. This Committee's Report, in 1977, stated that the Committee expects future Indian Health Service budget requests to contain the necessary funds to operate those health care facilities. Beginning in 1979, the Omaha Tribe, as directed by Congress, contracted with the Indian Health Service for funds to operate the nursing home. We therefore began to operate the nursing home by congressional mandate, with full knowledge and cooperation of the Indian Health Service.

IHS, however, no longer feels that it has the authorization to fund long-term nursing care. It has steadily decreased its support for the nursing home by refusing to officially recognize costs associated with the operation of the home. IHS' determination, in direct conflict with the Committee Report, has cost the Carl T. Curtis Health Education Center over $5,000,000 in lost contract monies.

The Indian Health Service's squeezing of the Carl T. Curtis Health Education Center has led to a dramatic drain on health service funds. This has led to the following detrimental consequences:

1. Detraction from other health services being provided due to the financial drain of the nursing home.

2. Inadequate staffing in both the clinic and in the nursing home.

3. Limited maintenance and repair funds available for the upkeep of the facility -- resulting in a decaying physical plant.

4. Outdated medical equipment caused by lack of equipment replacement dollars.

5. Loss of experienced staff due to lack of step increases in salaries.

6. Patients have been turned away because of inadequate skilled nurse staffing.

To summarize, the Indian Health Service's failure to recognize the operation of the Carl T. Curtis Nursing Home has led to a severe deterioration of services provided to an Indian Community which already has one of the highest infant mortality rates in the nation.

To resolve the funding crisis and ensure continued operation of the nursing home, the Omaha Tribe of Nebraska is asking Congress to resolve the funding crisis of the nursing home with a recurring appropriation in the amount of $997,268 with subsequent cost of living adjustments. This figure represents an accurate operating budget for the nursing home, which has operated at close to capacity since its second year of operation.

Judicial Services **Total Increase Requested: $78,178**

The Omaha Tribal Court has been recognized as a tribal court since 1983, with the passage of our Tribal Code. The caseload has increased tremendously since that time. Currently, with the limited funding now received in the amount of $82,400 for fiscal year 1990, we are unable to offer full services of a competent court as the Court is now staffed with only two people: the Chief Judge and the Clerk of Court. Without the necessary support staff of a Probation Officer to handle juvenile cases, a Public Defender, Prosecutor, Court Administrator, and an Associate Judge, as well as the necessary training, our Court becomes totally non-functional. Yet the cases are real and our people are being denied due process. The requested increase will enable us to provide the necessary additional staff.

Law Enforcement **Total Increase Requested: $50,000**

We have a crisis with our tribal detention facility. The facility, while fairly new, is very poorly designed. In fact, a recent review of reservation jails described it as one of the "worst nightmares one can imagine" in terms of design. Specifically, the facility is far too large for the available staff to operate. Proper supervision of jail residents is impossible with the available staff.

The problems are particularly severe, indeed tragic, for juveniles held in one wing of the facility. *In the past two months we have had a rash of ten suicide attempts in the juvenile wing.* These have been serious attempts requiring substantial medical treatment, and in at least one case the child will be permanently disfigured. While there are obviously deeper problems, the inability of staff to properly monitor what is going on in the facility contributes greatly to this tragic situation.

We really need a new facility, plus better counseling for the juveniles. At this time, however, we are requesting an additional $50,000 for four additional staff. This will permit better monitoring and supervision.

Higher Education Services **Total Increase Requested: $59,800**

This past year, our Higher Education services had to cut back on the number of Omaha students seeking a higher education. Because of this, only 50 on-reservation students could be funded and of these, five will still not be able to finish the second semester. The Tribe had to turn down 75 off-reservation students because we simply did not have the dollars available. This is the first time that we have had to take such drastic measures. The dollars simply aren't there. Yet, education remains a high priority with my Tribe. In order to provide the unmet needs for all of our eligible tribal members, we are seeking $59,800 in additional funding, which would provide a total program budget of $135,000.

Other Real Estate Services **Total Increase Requested: $44,594**

Our real estate office, with a staff of two, cannot handle all of the work that needs to be done. Our reservation boundaries are being challenged at several points, and survey work is needed. The land leases need to be monitored for good conservation practices and to ensure that only land actually under lease is being utilized. There are also many tribal members needing assistance with heirship property. Two additional staff, at a cost of $44,594, are needed to assist with this work.

Blackbird Bend Irrigation **Total Requested: $85,000**

In 1982, the Tribe received a construction contract to build an irrigation system on tribal lands known as Blackbird Bend. This area of tribal lands has been in litigation since 1975. However, much of the irrigation project has been completed. However, there is an 120-care area that is still unproductive because one of the pivots cannot complete its full circle due to the land being severely uneven. Earthwork is needed to make the pivot operational.

Unfortunately, a recent decision in the litigation has made this area an island and landlocked the tribe out. Because of this, the BIA withheld $60,000 of the $80,000 that we originally received to do the earthwork. However, we believe that through negotiations we will have access to the land this year, and we therefore ask the Committee to restore these funds to the Tribe so the earthwork can be done. Also, we need an additional $25,000 for an administrator to oversee the earthwork.

Tribal Support for Winnebago DDU **Total Requested: $300,000**

The Omaha Tribe greatly supports the efforts and services provided by Indian Health Services' Drug Dependency Unit, which is located at the Winnebago Indian Hospital in Winnebago, Nebraska. Many of our people suffer from drug and alcohol abuse. Without this service being provided just a few miles from our own reservation, many of our people would have their health severely jeopardized. We would ask that you support funding of this Unit in its full request.

Thank you, Mr. Chairman and members of the Committee.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

ROBERT MOORE, PRESIDENT, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM, STUDENT CONGRESS

GEORGIANA TIGER, CONGRESSIONAL LIAISON

Mr. ATKINS. American Indian Higher Education Consortium? Again, let me just suggest that we will have to keep people to the five-minute rule. Your full statements will be submitted in the record. If you could just summarize any highpoints that you want to bring to the Committee's attention, that would be appreciated.

Ms. TIGER. I know our student representative has a plane that he is——

Mr. ATKINS. Right. Well, that's what I'm worried about for some of the other people. Go ahead.

Mr. MOORE. Good afternoon. My name is Robert Moore. I attended Sinte Gleska College, and I am the president of the American Indian Higher Education Consortium student congress, which is comprised of about 10,000 students. AIHEC, as they refer to it, includes tribal colleges across the Nation. With me is president Lawrence Gishey from the Navajo Community College and Georgiana Tiger, who is the AIHEC Congressional liaison here in D.C.

I would like to thank you for the time this afternoon and certainly thank you and the rest of the Committee for the concerned interest that you have shown by increased appropriations in fiscal year 1990 and also the interest that has been shown to us individually as we have spent time visiting people in the past. I would like to, for the record, present the testimony for the American Indian Higher Education Consortium, and also a special report on tribal colleges, on shaping the future of Native Americans from the Carnegie Foundation for the Advancement of Teaching.

Certainly this has been a banner year for tribal colleges considering the advent of the tribal college special report from the Carnegie Foundation for the Advancement of Teaching. More than that, it has been a banner year for tribal colleges in the fact that the constituency that I represent are beginning to take some responsibility, not only for our own education, but what we do with that education. Last year in 1989 there were 274 graduates AIHEC wide; 9 of those graduates were the first master's degree recipients from a tribal college to be accredited at the master's degree level. These are students who—one, in particular, started as a GED graduate, gone on to receive her associates, her baccalaureate, and then her master's.

The role model that she and these other students and the students right now in the graduate program are playing on our reservation and reservations across America is tremendous. They are role models for not only people like myself coming up in the education system but for people who are much younger than I am and who need to see role models like that.

A lot of our students who are graduates and who are currently going to a tribal college are finding themselves in a position of

going back into the communities and not only supporting what the institutions are doing themselves but also being creative people, developing programs that address natural resources, environment, agriculture, and economic development. These are the students that in the future, in the next four or five years, will be taking the role in those areas.

At Sinte Gleska College, we have several institutes that have been models for tribal colleges across the country. Certainly we have institutions on economic development already, as well as developing these institutes in agriculture, and environment, and health, and other issues that are important to us as a people.

Part of my experience that I think is most important that I would like to relate today is what happened to me at a tribal college. When I started at the tribal college three years ago, I found myself at a difficult time in my life. I was 23; it was a time of my life that was very non-directive. I had no direction in my life. I didn't know what I wanted to do or where I wanted to go.

As a result of my first year at the tribal college, I found myself with an idea of what I wanted to do and that was to go into business. So I started in the business program. Since then I have crossed the stage this last year with my associates degree in business, and I'm going on, continuing for my baccalaureate degree. Since then, the changes that have happened in my life have been tremendous.

Have you ever felt like you've been at the right place at the right time with the right people and in the right environment? Well, that's what it's like for me at this point in my life. That's what it's like for the 10,000 students and not to mention the countless others in our reservation communities that are affected by tribal colleges. My family has been greatly affected by my going to this tribal college, and I hope that the family that I hope to have one day will be affected as well by what has happened to me through this tribal college experience.

I can't say enough about what has happened to me and about what happens to us as lives are changed, and people change their lives by attending these tribal colleges.

Certainly there are things outlined in the testimony that are very relevant to my receiving my continuing education and the others who are going to AIHEC schools. We need salaries increased. We have a lot of instructors who started on the bandwagon in the early 1970s with tribal colleges out of commitment and dedication to seeing somebody helped or in serving people. Now, as a result of increased cost of living, inflation, they are having a hard time finding it in their hearts to stay for less than what is maybe $15,000 for a lot of these teachers with doctor's degrees.

We have several doctorates, teachers who receive $20,000 or less at our institutions. We have great needs in technology. We have several in computer classes and several people to a computer, three or four students to a computer at our institutions.

We have needs in facilities and new construction. We are going to classrooms that are meant for 8 or 9 people and having 20 people in the class. We're having to share chairs. We're having to

find chairs even to put into these rooms to share. We have those kinds of needs that really affect us as students in our learning.

A lot of the atmosphere is really cultural. We have a lot of cultural background in the development of these institutions. It has kept the perspective of the institutions to maintaining and preserving a lot of the cultural aspects of our people.

Certainly, at Sinte, we include the four values of bravery, wisdom, generosity, and fortitude, not to mention the countless others that are held very highly by tribes all across the Nation that have tribal colleges. So they are in a place of studying that may not be conducive to studying or to learning, but yet it is those same values, and that same cultural depth, and that same cultural awareness that provides us the impetus to learn and provides us the courage to stay with the learning program when it might not always be as easy as it is in mainstream institutions.

A lot of times in our learning together as students we see students that have a real hard time, so we find ourselves trying to bring them back into the nest and seeing that we as students can help each other, to help them learn better and to keep them there, so that what will happen with them after they graduate will be a great reward for them. We're not in competition to find the next spot open, but we want to see all of our students succeed. Those are the students that I represent here today.

The Carnegie report outlines and recommends the full appropriation of the $5,820 appropriated or authorized for the Indian student count. We, as the student congress, support that and endorse that.

Also, I would like to, in closing, extend an invitation to you to visit our schools and to visit with our students, and our faculty, and our leaders of these schools, and to see for yourselves where we are, and what we are doing, and where we are going from here, and how we're going to get there.

Thank you.

Mr. ATKINS. Thank you very much. Let me just say that that was as impressive a testimony as I've heard in my six years in the Congress. You make a very eloquent and powerful case both by your words and your example for the importance of our full support for Indian education and the Indian college system.

Mr. MOORE. Thank you very much.

Mr. GISHEY. I just want to thank the committee. Last year they gave us an increase in our funding, and we're doing some good things with the funds that we received. We have adjusted our salary scale. We have increased our enrollment. This is for Navajo Indian College.

Mr. ATKINS. Okay. Just a minute. For the reporter, let's set this up as the next witness, and why don't you move over here to this slot.

[The prepared statement of Mr. Moore follows:]

TESTIMONY OF THE
AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM
PRESENTED BY
ROBERT MOORE, PRESIDENT
AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM
STUDENT CONGRESS

PRESENTED TO
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
THE HONORABLE SIDNEY R. YATES
CHAIRMAN

MARCH 15, 1990

30-252 O—90——25

The American Indian Higher Education Consortium expresses it's appreciation to the Subcommittee for affording us an opportunity to present our views regarding Federal appropriations for Fiscal Year 1991.

The Administration's request of $10.614 Million equates to level funding from Fiscal Year 1990. This level translates into $2,189 per student based on 4,847 total Indian student count. Since this Subcommittee does not appropriate for the rest of the nation's higher education needs, it may not be readily apparent that this $2,189 per student allocation is less than half of the nation's average per student funding for dominant society's public community colleges.

Tribal colleges lack of tax base from which to draw funding alternate to the Federal share, and are not members of State systems. Not only is it unrealistic to look to the States to support tribal colleges, they are a trust responsibility of the Federal Government.

In our consultation with the Bureau of Indian Affairs, it has become painfully wident that no mechanism currently exists through which the Bureau of Indian Affairs assesses the actual financial needs of the colleges, and presents a request to meet that need to the Congress. Statistics and data gathered by the Bureau from tribal colleges in no way corellates to substantiating our true financial needs. This is not to say that such a mechanism could not exist: we remain ever dedicated to continuing to provide the Bureau, with justification for our needs. However, this year the Bureaus official request to the Congress sadly advocates equal educational opportunity for Indian students by providing half the money documented as necessary to provide that. This "advocacy" defies logic. The statute is clear: it is intended that tribal colleges receive sufficient funds to provide equal educational opportunity to Indians.

Tribal Colleges are unequivocally among the most successful investments of Federal dollars. This fact seems to lauded by all who see what these colleges have accomplished. But these colleges cannot continue their mission with accolades, and insufficient Federal dollars. While the colleges deeply appreciate the generous increased appropriation by the Congress in FY 1990 which brought the $1,964 Indian Student Count to $2,189 Indian Student Count, this remains in severe contrast to 1981's $3,100 Indian Student Count and an Indian Student Count level of funding that each year between 1981 and 1987 has been higher than this current year.

The small average annual enrollment increase of 10% attests to the successful offerings of the colleges to their communities. But appropriation increases have not kept pace with these modest enrollment increases. The overall inadequacy of the appropriation has been exacerbated by the Bureau's reluctance to accomodate new colleges in their past budget requests.

Consequently, while the appropriation has aggregately increased, the resources to individual colleges steadily decreased over ten years (as is detailed on the Funding History Chart: Attachment A). This incremental decrease has manifested itself in a number of hardships which over time are taking their toll on the colleges.

Salaries are not keeping pace. Tribal Colleges salaries range between 18% and 23% lower than their public counterparts, and this gap is widening each year. Some tribal college Presidents having doctorates actually earn annual salaries in the low $20,000 range because appropriation increases are not adequate to allow for increases. In the words of one dedicated President, "service to tribal colleges is not dissimilar from service to a religous order: it is becoming increasingly necessary to take vows of poverty in order to serve." Most staff have not received salary increases since 1981.

Fringe benefits are becoming increasingly disproportionate to those offered by comparable public or private institutions averaging 43% less. In fact, some tribal colleges cannot offer any fringe benefits at all. Quality faculty and staff expect such basic fringe benefits as health insurance. On minimal salaries these individuals connot also be expected to carry the costs of insurance and retirement individually. As contracts come due for renewal, quality staff are increasingly torn between the lure of tempting salaries/benefits elsewhere and their dedication to the tribal colleges mission. Library resources average 65% less than state institutions, and state of the art technologies are severly lacking.

The report on tribal colleges by the Carnegie Foundation for the Advancement of Teaching, "Shaping The Future of Native America" recommends that the colleges receive Congressional funding at the full authorized level of $5,820 per Indian Student Count. As the report indicates, this amount is more than justified by the real costs of operation in remote, isolated and economically underserved tribal communities.

Most tribal colleges came into existence during a buyer's market for faculty; thay were often able to recruit excellent instructors, directly from graduate school, who valued opportunities for service above monetary compensation. Further, faculty salaries in the northern Great Plains were notoriously low. Many of the dedicated individuals recruited in the 1970s continue to be intellectual mainstays in their institution. But recruiting their successors is a more expensive undertaking. Academic salary levels in the regions containing most of the tribal colleges have risen considerably in the past five years. Changes in values in mainstream American society have likewise reduced the availability of committed, adventurous, and credentialed young people who seek the kinds of opportunities which the tribal colleges provide.

Salary levels are particularly high in those fields which the tribal colleges are now beginning to address - the biological and physical sciences, mathematics, economics, business and public administration. If the tribal colleges are to address the most serious eductional needs of their communities, they must have the financial resources to hire, and support, faculty well-trained in the appropriate disciplines.

Costs of laboratory equipment, reference materials, computer software or mantanance have likewise increased significantly since 1970. As well, deregulation of transportation has led to sharply increased costs of shipping and travel to and from rural areas. This trend has been compounded by changes in non-Indian demographic

patterns around reservations; as farm, ranch, and small-town residents move to cities, regional economies in rural areas decline. Essential services - repairs for furnaces, photocopiers, or computers - become harder to obtain, more expensive, and longer in the delivery. Basic operating costs for tribal colleges increase as their regions become, in effect, more isolated from mainstream economic life.

Finally, the success of tribal colleges raise educational standards, expectations, and costs within their own communities. Library users, over time, increase in numbers and in sophistication; graduates trained in computer usage request updates on new software and applications. College faculty receive more requests for help from tribal governments and local businesses - requests which, in urban areas, might be directed to local universities or research institutions.

Tribal colleges have proven their capacities to use scant resources effectively. Now, more money is essential.

The recent report on tribal colleges by the Carnegie Foundation for the Advancement of Teaching provides independent verification of the colleges' longstanding contention - that funding at the authorized level is imperative if the colleges are to fulfill their mission. The colleges' requests for FY 1991 are based on the recommendations of the Carnegie Foundation report.

OPERATING FUNDS: In keeping with the recommendations of the Carnegie Foundation report, we request funding at the full authorized level of $5820 per ISC (Indian Student Count). Given the normal annual rate of enrollment increase 10%, AIHEC colleges project a total ISC for FY 1991 of 5332; funding at the authorized level would require $31,032,240.

ENDOWMENT: Since the initial appropriation in this category, every college has developed an endowment fund. Responses from non-governmental funding sources to the Carnegie report has been positive; the availability of matching funds is a clear incentive to these donors. The more rapidly endowments are built, the greater and more secure the sources of income to the colleges become. We therefore request funding at the full authorized level of $5,000,000.

TECHNICAL ASSISTANCE: As the colleges continue to grow, and to address new challenges within their tribal communities, needs for technical assistance expand and costs increase; appropriations levels, however, have not changed over the past several years. We therefore request that the BIA recommendation of $116,000 be increased to $220,000, to allow each institution a more realistic $10,000 apiece.

CONSTRUCTION: Last year, the tribal colleges requested $22.9 million, based on documented construction needs of each institution. These needs have not changed, and we stand by that request for FY 1991. At the same time, we recognize that the development of adequate facilities at many colleges will take several years at least; AIHEC institutions therefore anticipate, in keeping with the Carnegie recommendations, a ten-year effort to construct and/or improve physical facilities. In the short term, however, several colleges face immediate and serious problems with deteriorating buildings; we

the same time, we recognize that the development of adequate facilities at many colleges will take several years at least; AIHEC institutions therefore anticipate, in keeping with the Carnegie recommendations, a ten-year effort to construct and/or improve physical facilities. In the short term, however, several colleges face immediate and serious problems with deteriorating buildings; we therefore request an appropriate of $2 million for emergency repairs.

In response to requests from congressional staff for some method of prioritizing construction needs, AIHEC suggests that these needs be ranked as follows:

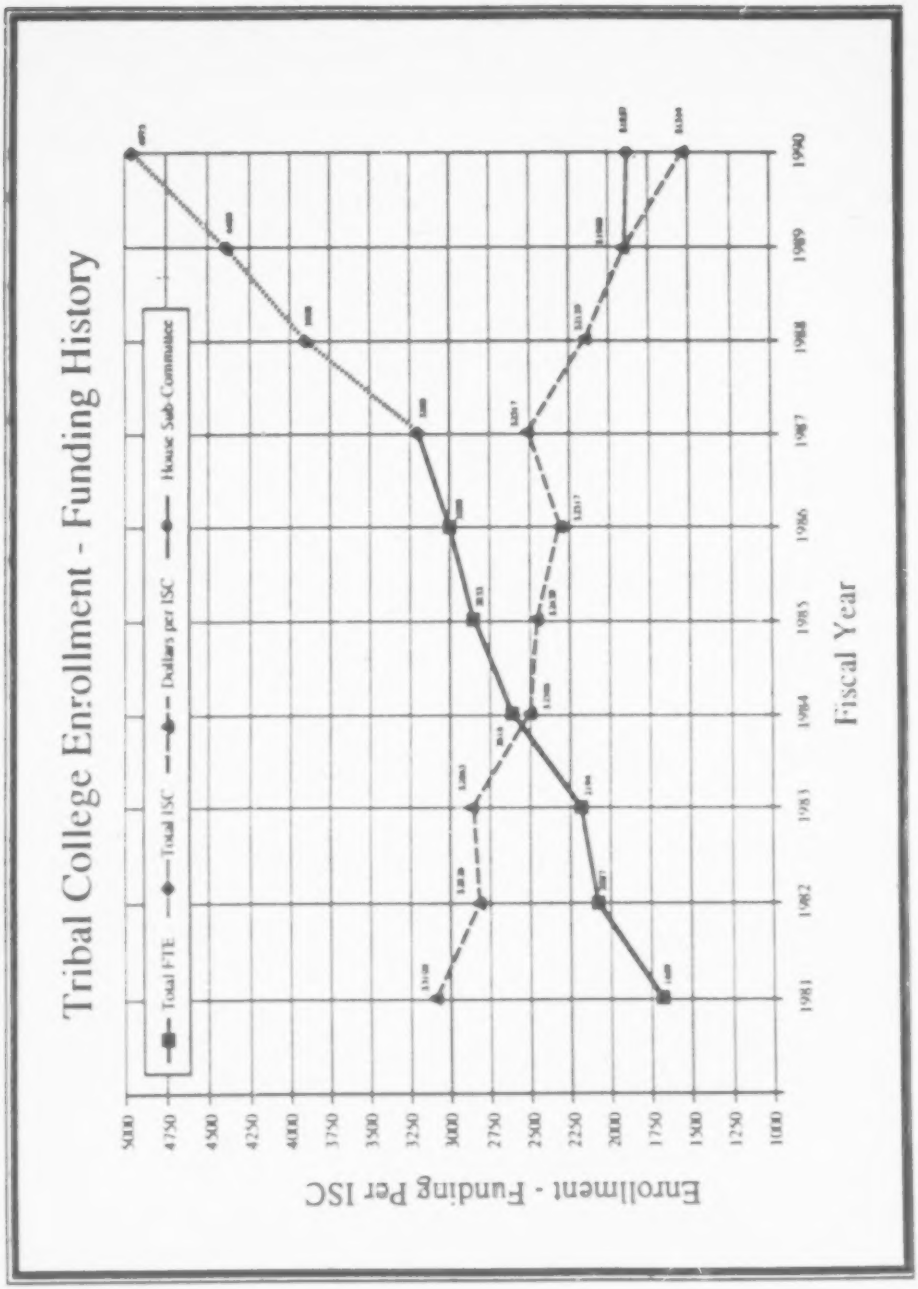
1. Emergency repairs.
2. Emergency renovation and acquisition.
3. Construction by accredited institutions with documented facilities development plans.
4. Planning fees for accredited institutions.
5. Planning fees for non-accredited institutions.

SYNDER ACT FUNDS: Five tribes have choen to allocate funds to their respective tribal colleges independently of any monies appropriated under the Tribally Controlled Community Colleges Act. The BIA has, in several cases, arbitrarily chosen to reduce these funds. We request that these monies, where reduced, be restored to their former levels:

	CURRENT	RESTORATION
Dull Knife Memorial College	$338,000	$594,000
Sinte Gleska College	$144,000	$358,000
Turtle Mountain Community College	$ 75,000	$ 92,000
Oglala Lakota College	$314,900	$356,000
Fort Berthold College (not reduced)	$ 50,400	$ 75,000

ADULT BASIC EDUCATION AND ADULT VOCATIONAL TRAINING:

These programs are essential to the functions and the mission of the tribal colleges. In every AIHEC college, students with high school equivalency certificates form a large portion of the student body. AIHEC strongly supports increased apporopriations for these programs, and for additional funds for adult literacy training on reservations.*


Tribal College Enrollment - Funding History
Total FTE
Total ISC
Dollars per ISC
House Sub-Committee
Enrollment - Funding Per ISC
Fiscal Year
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

LAURENCE GISHEY, NAVAJO COMMUNITY COLLEGE

Mr. ATKINS. Navajo Community College? Go ahead. We're now on the Navajo Community College.

Mr. GISHEY. Right. We're located in Arizona. We have a main campus at Tsaile, a branch campus at Shiprock, five community campuses, one in New Mexico and four in Arizona. We are serving a population of over 200,000, a population that is growing at 2.7 percent per year. We have a large segment of young people. Our median age is 18.7 years. You can see the potential of the future workforce, and that's why we're here to do something about training that workforce.

In addition to working with these people, we also have a larger concern over the different conditions that exist on the reservation. Of course, when we're talking about Indian conditions, we are probably the lowest on every human scale of measurement. We are concerned about the high unemployment on the reservation, the health conditions, and the housing. Again, we could go on and on. I feel that we, as a college, can do something about these conditions. We can be the change agent for the Navajo reservation.

I have been at the college 10 months, and I've seen some progress already. We have some of our students who—we have the Aces chapter. Just two weeks ago they worked with the elementary school children giving out certificates to the young people. That's one of my agenda items is to work with young people. Next summer, we are going to start working with students, grade 6 through 12. We're going to put them through computer camps, language arts, math and science, but more importantly, we're going to drill them through the Navajo language and culture. I think that is key to any progress among any tribe.

As much as we are making progress, we still see a lot of problems, and there are a lot of demands. We need social workers. We need teachers. We are also getting requests from people who have been relocated to the new lands, and that is another area that we'll be looking at this coming year. We don't have a retirement program.

With regard to facilities, the buildings that we have over at Tsaile are over 18 years old. The buildings are settling, and about four weeks ago, we had a pipe break on the third floor, and it flooded the three floors. We don't have the money to pay the deductible. They're asking us to pay $25,000 before we have any repair work done. We have a campus over at Shiprock which is a BIA facility built back in 1953, and that has deteriorated.

As far as the Bureau is concerned, they can do away with that facility any day. This next year, they're going to turn over that facility to us, and we're looking at a cost of something like $300,000 for operations and maintenance. That is a big concern, so this year we are asking for an additional $2 million.

We also want to, of course, thank the Congress for giving us the addition last year, and we are making progress. We have students who are doctors. We have students who are superintendents. They are all working on the reservation, and I think we are doing a good job. Things are looking good for us. I appreciate the support.

Mr. ATKINS. Thank you. I know Congressman Richardson has been very outspoken in his support for you and has expressed that to me on a number of occasions.

Mr. GISHEY. Right. Thank you.

Mr. ATKINS. Thank you very much.

[The prepared statement of Mr. Gishey follows:]

TESTIMONY

BY NAVAJO COMMUNITY COLLEGE
REQUESTING THE FY 1991 APPROPRIATION

Presented to the
Committee on Appropriations
Subcommittee on Interior
Congressman Sidney R. Yates (D-9 ILL), Chairman
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

Submitted by
Laurence Gishey, President
Navajo Community College
Tsaile, Arizona 86556

March 15, 1990

Congressman Yates and members of the Panel, thank you for allowing me to present the Fiscal Year 1991 appropriation request for Navajo Community College. Navajo Community College is approved to receive $4.8 million in FY 1991 as authorized by Title II of the Tribally Controlled College Act. In addition, the College is requesting an Add-on appropriation of $2.0 million.

My name is Laurence Gishey and I have been President of Navajo Community College during the last ten months.

In 1968, NCC became the first tribally controlled college to be established on an Indian reservation. I am extremely proud of the Navajo men and women who launched a new era in Indian education over twenty years ago. I am also grateful to the members of the 92nd Congress who enacted into law the NCC act (PL 92-189) which authorized federal support for the College. Both the Navajo Tribal Council and the 92nd Congress are to be commended for opening to the Navajo people which a new opportunity otherwise would not have been realized. Today, there are twenty-three other tribally controlled colleges that are educating and training Native Americans. I applaud and thank our tribal and congressional leaders for the foresight and wisdom.

NCC is playing a key role in the socioeconomic development of the Navajo Nation. It trains and educates students who are transferring to four year institutions and who are gaining direct employment. It has become the change agent to more than 200,000 Navajo people whose annual birth rate is 2.7% and a median age of 18.7 years. Among the Navajo people there are nearly 250 K-12 schools serving some 70,000 students, about 4,500 of whom graduate from high school each year.

Notwithstanding its greatest human resource potential the Navajo Nation still lags behind the American mainstream in living standards, education, health care, housing, employment and economic development. Only through education can these negative trends be reversed.

NCC has seen success in many of its former students. Just to name a few: One has become a medical doctor and has chosen to serve his people in the remotest area of the reservation; another has earned his PH.D. and is now the Superintendent of a prosperous public school district; four young ladies have held the prestigious title of Miss Navajo, two of whom have won the Miss Indian America title; and another has acquired his CPA and established a successful accounting firm; there are others who are working in leadership positions with the public and private sectors.

There are successes being achieved by current students. The Student Government led a food drive and fed 21 needy families on Thanksgiving Day; the pre-engineering students (AISES Chapter) tutor elementary students in math and science and recently in cooperation with the Lawrence Livermore Laboratories of Berkely, California judged and awarded Science Fair winners at the local elementary school; two students who had no prior experience with archery before coming to NCC led their team to the state, regional, and national junior college championships last year in Chicago and competing against athletic powerhouses such as University of Arizona, Arizona State University, Ohio State University, Michigan and others. This year's team has already won the prestigious Las Vegas Junior College Invitational Champion in both men's and women's divisions; the NCC team won the College Academic Bowl sponsored by the American Indian Higher Education Consortium; one student is leading the Western Region of InterCollegiate Rodeo in the bull riding event; the cross country team has won individual team championships at state and regional levels; and Student Volunteers have started a SADD Chapter (Student Against Drunk Drivers) and will soon be assisting area high schools to start their respective chapters. Four students will participate in the University of Arizona Summer Science Research Program. The 1988 Marathon Team won the national championships in Junior College competition. We are very proud of our students and their accomplishments.

The institution as a whole is also making progress: The North Central Accreditation Association's Site Visiting Team has recently concluded its evaluation of the College on a positive note; the Navajo Language Program which added 300 and 400 level courses will teach certified teachers next summer so they may receive their bilingual endorsements through the College; three articulation agreements have been signed with four-year institutions which will pave the way for a smooth transfer of our student graduates; and another agreement was signed which will allow the College to give Navajo language tests to students attending a four-year institution to meet the foreign language requirements.

In spite of these successes the College is still faced with funding uncertainties, cutbacks, unexpected emergencies and changing student needs. The College is up against enormous odds and challenges. In addition to it's deteriorating facility, the buildings are starting to settle causing breakage to the utility lines. The insulation of the underground utility lines are also decaying causing electrical shortages and blackouts.

The student needs are changing. There is a growing number of solo-parents and married students with dependents creating greater demand for appropriate housing. There continues to be a large number of students who are academically deficient and need developmental programs. There are also handicapped students who encounter barriers to our facilities at Tsaile, Shiprock and the five community campuses.

Mr. Chairman, on behalf of Navajo Community College, I respectfully request an add-on of $2.0 million in FY 1991 which will allow the College to address the above concerns in the following manner:

1. Expand and strengthen the curriculum in transfer, certificate and vocational programs that will permit students to transfer to four-year institutions and/or gain immediate employment.

2. Increase the total student headcount in FY 1991 by 35% through active recruitment.

3. Increase student retention rate by 5% in FY 1991, thereby reducing the current 20% attrition level to 15%.

4. Upgrade special services to academically handicapped students and address housing needs for the growing number of single parents and married students with dependents.

5. Instill pride and self-esteem in students who are in grades 6-12 through special recognitions, summer camps, and award scholarships to graduating seniors.

6. Improve networking with elementary and secondary schools in promoting native language and culture programs by increasing contacts with superintendents, principals, counselors and teachers.

7. Hire 11 additional faculty members to increase the academic offerings and services.

8. Upgrade faculty and staff development to enhance knowledge, skills and productivity.

9. Establish a retirement program to improve personnel retention.

10. Establish a consortium of postsecondary institutions to address recruitment, communication, and smooth transfer of students.

11. Improve relations with the Navajo Tribal Council, Tribal Committees, parents and the public-at-large to create a better understanding of the College's role and mission.

12. Increase course offerings and seminars to the unemployed, drop-outs, stop-outs, general assistance recipients, and underemployed.

In closing, Mr. Chairman, I want to express my sincere appreciation for this opportunity to present NCC's story and its request for an Add-on of $2.0m, but done in light of its successes. I assure you that the funds the College receives will be well spent because it is an investment in the youth. The contributions that these students will be returning to society after they join the workforce will be far more than what they receive today. Through education, these young men and women can realize their dreams and self-respect which will enable them to earn a living. Their world is becoming complicated each day, and we cannot let them down now. They need your continued support.

Thank you.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

GEORGIANA TIGER, CONGRESSIONAL LIAISON, CROWNPOINT INSTITUTE OF TECHNOLOGY

Mr. ATKINS. Crownpoint Institute of Technology? Is there anybody here who is at risk of missing a flight? Let me just make sure that nobody—okay, go ahead.

Ms. TIGER. Thank you, Congressman Atkins. I am the Congressional liaison for the Crownpoint Institute of Technology, which is one of the 26 members of the American Indian Higher Education Consortium. On behalf of Mr. Tutt, president, who could not be here today, I will attempt to be mercifully brief.

I, for many years, was transplanted in Massachusetts——and I know that Massachusetts—

Mr. ATKINS. What part?

Ms. TIGER. Sturbridge, Massachusetts is as different from Indian country as it can be. I'd like to, therefore, have you look through some photographs as I briefly——

Mr. ATKINS. I'm pleased to know that. I have spent some time in Indian country and lived on a Hopi reservation for a while. Also, we do have our Indians, as you're aware, even in Massachusetts.

Ms. TIGER. Our facility out there is a beautiful $14 million facility built by the Federal Government in 1978. We had had some facilities repair problems which the Commerce, State, Justice subcommittee helped remedy a year ago with a $1.5 million emergency appropriation. The soil out there is very unpredictable. The building, in a nutshell, was beginning to sink, but it is now getting much better. We have 6 beautiful buildings, 85,000 square feet. We have been deeply appreciative of this Subcommittee's appropriation of $500,000 to us last year, and note with some concern the report language that states we must have a specific authorization in order to continue consideration under this Subcommittee.

We are working on that. We have authorizing legislation pending in both the House and Senate versions of the Carl Perkins reauthorization. The two versions are very different, and in a worst-case scenario we would be back before your Committee. I know this Committee would very much like to see Crownpoint funded under the Carl Perkins Act, but the House version doesn't have that provision.

Further, the Senate version would, because of technicalities in the reauthorization, have a nine-month period starting with the beginning of fiscal year 1991 where we would be absent any appropriation at all. Therefore, we do want to get our request on the record.

Very briefly, we feel that the Snyder Act authorizes Crownpoint Institute and hope that we could be entertained. We have had, since 1980, 1,278 graduates. Our placement rates and retention rates are high above the national norm at 87 percent. I'd like to point out very briefly that we assessed that one graduating class of

our students contributed $466,000 into the tax base in one year aggregately, so we think Crownpoint's work is well substantiated.

I want to point out just some inequities in that Crownpoint serves a population that is larger than the total Indian population of the States of Montana, North Dakota, and South Dakota combined, which have 16 tribal post-secondary educational institutions, so we hope that this Committee might consider the great need for Crownpoint. Our population is, 75 percent of it, under the age of 34, and we feel there is a great need for our institution and hope that you might consider our request for fiscal year 1991.

Mr. ATKINS. Thank you. We have been very impressed by the good work done at Crownpoint.

[The prepared statement of Mr. Tutt as submitted by Ms. Tiger follows:]

TESTIMONY OF THE
CROWNPOINT INSTITUTE OF TECHNOLOGY
CROWNPOINT, NEW MEXICO
PRESENTED BY
JAMES M TUTT, PRESIDENT

PRESENTED TO
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
THE HONORABLE SIDNEY R YATES
CHAIRMAN

MARCH 15, 1990

The Crownpoint Institute of Technology extends its appreciation to this Subcommittee for the opportunity to present its appropriations views.

My name is James M. Tutt, and I am President of the Crownpoint Institute of Technology. Prior to my 1988 appointment in this capacity, I served as Navajo Community College Vice President for 17 years, so I am very familiar with the wide range of the postsecondary educational needs of our people.

Although it seems clear that the Snyder Act (25-USC 13) provided sufficient authorization for this committee to fund Crownpoint Institute of Technology along with other Indian programs, and that P.L. 100-297 section 5203 makes clear that it is a trust responsibility for the Federal Govenment to do so, Crownpoint Institute of Technology continues each year in its struggle to receive any Federal support.

Tribal postsecondary vocational technical institutes are the only Indian educational institutes which lack provision for a minimum stable base of Federal funding. Yet vocational/technical education is a valid form of education, and Crownpoint Institute of Technology has demonstrated its social and economic worth.

Crownpoint Institute of Technology is Tribally chartered by the Navajo Nation, licensed by the State of New Mexico, and fully accredited by North Central Association of Colleges and Schools.

Since its first commencement in 1980, the Crownpoint Institute of Technology has graduated 1,278 skilled students into the nation's workforce. Our retention and placement rates are consistently above the national average, this year being 87% and 90% respectively.

Nearly all entering Crownpoint Institute of Technology students are unemployed and without any job skills. In one year these individuals are provided certificate skills in one of nine fields which enable them to earn annual salaries ranging from $9,000 (food services) to $20,000 (construction trades). It is near certainty that without skills training such as Crownpoint Institute of Technology provides, these individuals would have been destined to the welfare rolls. Crownpoint Institute of Technology enables its students to improve their quality of life for themselves and their families, and become productive, tax-generating contributors within our nation's economy.

Crownpoint Institute of Technology is a full member of the American Indian Higher Education Consortium comprised of the Nations Indian postsecondary institutes. As such Crownpoint Institute of Technology is the only American Indian Higher Education Consortium institution which does not receive a stable base of federal funding.

The Indian population of the reservation which Crownpoint Institute of Technology serves (165,065) more than totals the combined Indian population of the States of Montana (40,464), North Dakota (46,000) and South Dakota (74,799) which three states combined have sixteen Federally funded tribal postsecondary educational institutions.

Of the total population Crownpoint Institute of Technology draws from, 75% are under age 34 (122,974). 52% of this population are under age 19 (85,834). This massive population will be entering the work force - on the welfare rolls. There is an overwhelming need for an institution such as Crownpoint Institute of Technology in this tribal infrastucture.

We deeply appreciate this Subcommittee's appropriation action for FY 1990 of $500,000 which has helped tremdously to maintain the Crownpoint Institute of Technology institutional operation.

We are cognizant of the Subcommittees directive that more specific authorization is necessary for future consideration before this Subcommittee. I wish to bring to the attention of the Subcommittee that HR7, Title III the Reauthorization of the Carl D. Perkins Vocational Education Act contains such a provision. As we understand, appropriation jurisdiction for this provision will be under the Subcommittee on Interior and Related Agencies. Although the House version was passed last year, the full Senate has not yet acted on its version, and the specifics of the final provisions cannot be anticipated.

It is our understanding that the Senate version (S 1109) provides for a nine-month phase in, in which case Crownpoint Institute of Technology could be absent three-quarters of Fiscal Year 1991 funding unless Congress intervenes to allow for funding through this transitional phase in. Crownpoint Institute of Technology has requested an exclusion from this provision in the authorizing statute. It is our understanding that the reasoning behind a phase is for the overall statute would be to allow states to accomodate the drastic changes affecting them.

However, since the states' complicated formula alterations have no effect on the Indian provisions, it is logical that institutions such as

Crownpoint Institute of Technology not be subjected to undue hardship that would result from a phase in

Crownpoint requests that this Subcommittee ensure that Crownpoint Institute of Technology funding under the Carl D Perkins reauthorization begins immediately and in full at the beginning of the 1991 Fiscal year

We deeply appreciate any consideration that this Subcommittee on Interior appropriations can give to this request to bring equal educational opportunity to our people The following is a detailed Budget of our need and our request before you

CROWNPOINT INSTITUTE OF TECHNOLOGY $2,100,000

Crownpoint Institute of Technology, (CIT), needs $2.1 million in FY-1991 for operational costs. CIT has struggled to maintain its operation through competitive soft monies and tribal grants, all of which are unpredictable sources. CIT has an outstanding record of success. Last year it had a retention rate of 80 percent and placement rate of 87 percent. There is a Proposed Legislation, Senate Bill, S. 1109, Carl D. Perkins Vocational Education Reauthorization Act to provide CIT with stable funding. Funds have been provided on a one-time basis during FY 1990 with a Congressional add-on of $500,000, and would be last time funding unless authorizing legislation were enacted.

BUDGET REQUEST JUSTIFICATION
CROWNPOINT INSTITUTE OF TECHNOLOGY

OVERALL OBJECTIVE AND PURPOSE $2,100,000; FTE 82.5

The Crownpoint Institute of Technology offers vocational technical training program opportunities for American Indians and Alaskan Natives to obtain the skills necessary to become employable. The base program provides administrative support, student services, instructional programs, and an operations and maintenance component.

Administration. $358,546; FTE 13.5

This category includes administrative salaries, and fringe benefits (top administrators, support staff, and financial services office staff), materials and supplies necessary for day to day operations, operation and maintenance of office equipment, and computer maintenance.

Student Services. $616,096; FTE 27

Funding for his category covers all costs relating to student services, inclusive of staff and fringe benefits. The activities involved within the student services category include recruitment, admissions and registration, financial aid, residential and food services, counseling, recreational programs, job placement activities, consumer education and day care programs, and student activities and government.

Instruction. $824,676; FTE 29

Costs for this category cover complete program support for the 12 vocational technical programs, inclusive of instruction salaries, fringe benefits, instructional equipment, tools and supplies, books, and reproduction costs. Also included in this category are costs for the Learning Resource Center, which encompasses Adult Education/General Equivalence Diploma and other general education services, as well as the Multi Resource Center.

Operations and Maintenance. $300,682; FTE 13

The overall operation and maintenance of the campus facilities and grounds, utility costs, vehicle fleet and heavy equipment, salaries and fringe benefits, repair costs, landscape upkeep, and security are included in this cost line item. Costs for insurance, preventative maintenance, and communications are also included.

CIT OPERATIONAL BUDGET FY 1991

	← Administration →				← Student Services →						← Instruction →						
	President	Vice President	Financial Services	Administration	Student Services	Library	Consumer Education	Day Care	Food Services	Student Services	Instructional	Adult Education	Continuing Education	Instruction	Maintenance & Operations	TOTAL
PERSONNEL AND FRINGE BENEFITS	88.000	70.383	176,719	136.946	199,188	36.591	48.792	83.369	101.976	456.696	888.161	116.879	25.736	677.776	225.682	1,690,780
TRAVEL EXPENSE	4.000	4.000	5.000	15.000	15.000	1.200	1.200	1.200	500	19,300	20.000	1.200	1.200	22.400	27.000	80.000
SUPPLIES EXPENSE	2.000	2.000	3.000	7.000	12.000	3.600	2.400	2.400	100.000	127.000	125.000	2.400	2.100	125.500	18.000	277,500
REPAIRS/MAINTENANCE	-0-	-0-	-0-												30.000	30.000
STUDENT ASSISTANCE	-0-	-0-	-0-		10.000					10.000						10.000
CONTRACTUAL SERVICES	-0-	-0-	-0-						2.500	2.500						2.500
	95,000	80.383	184,719	158.946	231.188	40.391	52.392	86.969	212.976	616.096	875.161	120.479	29.036	829.676	380.682	90.180.080

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

JUANITA LEARNED, CHAIRPERSON, CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA

Mr. ATKINS. Cheyenne & Arapaho Tribes of Oklahoma?

Ms. LEARNED. Good afternoon, Mr. Atkins.

Mr. ATKINS. Good afternoon.

Ms. LEARNED. I am Juanita Learned. I am the chairperson of the Cheyenne and Arapano Tribes of Oklahoma. In going over the list, I noticed that we're the only Oklahoma tribe that has been here to testify according to the list.

Mr. ATKINS. We've been doing this for several days, so there have been other tribes who have been in previously.

Ms. LEARNED. Okay. Well, I thought I was going to get a chance to get all the money. [Laughter.]

This is the first time that I have testified for the tribe. What we are requesting is $2.7 million for renovation of the Concho school. It was a former Bureau school, and we were so glad to get something from the Bureau when they were willing to turn the school over to us, that when we picked it, we didn't realize there was going to be a lot of renovation that had to be done.

As you're looking through my testimony here, the Cheyenne and Arapaho Tribes have an opportunity to participate in a government-to-government partnership with the Governor of the State of Oklahoma. The Governor has committed $500,000 in working with the tribe, but that is for administrative costs.

If we get the school in operation, it will be a program known as SCORE—school of cooperative opportunity for return to education. We have a lot of children in Oklahoma, young kids, that don't fit in a lot of the schools and don't go to the Government schools, so we have worked with our Governor in Oklahoma, and he has committed this to us if we could get the facility back to a point where they could use it.

This is the first time that I have come to testify on behalf of the tribe, and I know that $2.7 million sounds like a lot of money, but it is also for renovating and redoing a lot of the sewer lines that we have and lagoons.

I was told to keep this to five minutes, so all I'm asking is that it be put in the record that we are on record as requesting $2.7 million. Hopefully, you know, if you could find it in your heart or whatever to do that for the Cheyenne and Arapaho Tribes in Oklahoma, I'd really appreciate it.

We have over 10,000 members, and we serve 8 counties in northwest Oklahoma. I just want to say "thanks" for this opportunity to come before you today and hope you give us some consideration.

Mr. ATKINS. Well, thank you very much. I can assure you that it is in our hearts to do it. The question is how our pocketbooks are doing. It is not ours, but yours, and your written statement is very clear and a good, concise explanation of the need. We will review it

and do the best that we're able to for you. I certainly understand the problem.

Ms. LEARNED. I appreciate it very much.

Mr. ATKINS. Thank you.

[The prepared statement of Ms. Learned follows:]

The Honorable Sydney R. Yates,Chairman
Interior Committee
United States House of Representatives

T E S T I M O N Y

RESPECTFULLY SUBMITTED BY:

Juanita L. Learned, Chairman
27th Business Committee
Cheyenne-Arapaho Tribes of Oklahoma

Thursday, March 15, 1990
Washington, D. C.

Mister Chairman and Members of the Committee

The Cheyenne-Arapaho Tribes of Oklahoma are pleased to be able to offer testimony before the Congressional Sub-Committee on Interior Appropriations.

The Cheyenne-Arapaho Tribes of Oklahoma respectfully request that this committee recommend to Congress that 2.7 million dollars, from funds to be appropriated to the Department of Interior, Health and Human Services or the Department of Education, be approved for the Cheyenne-Arapaho Tribes of Oklahoma for the repair and renovation of the Concho School facility at Concho, Oklahoma.

The Cheyenne-Arapaho Tribes of Oklahoma, a sovereign nation, has the opportunity to participate in a government to government partnership with the State of Oklahoma. Governor Henry Bellmon, in a historic first, has committed $500,000.00 toward a Federal/State/Tribal partnership between the U.S. Department of Labor, State of Oklahoma and the Cheyenne-Arapaho Tribes for a Job Corps Center that "explores some new frontiers in a project known as SCORE - School of Co-operative Opportunity for Return to Education."

Two point seven million dollars is no little amount, but actually it represents the "balance due" on the former Concho School facility transferred from B.I.A. to the Cheyenne-Arapaho Tribes. In 1984, the Bureau of Indian Affairs

transferred the Concho School facilities to the tribes. In assuming ownership of the facility, we also became liable for the approximate 2.7 million dollars of documented repairs needed. Five years prior to the school facility being turned over to the Cheyenne-Arapaho Tribes, the Reid Architectural Firm of Oklahoma City conducted a facilities evaluation for B.I.A. and recommended $839,469.00 worth of up-grading repairs to the school buildings (residential buildings were separate) and the initiation of a preventative maintenance program as top priority to prevent major deterioration. They also identified a sewer plant lagoon that was inadequate and out of compliance with both E.P.A. and Oklahoma Health Department standards. Why was the evaluation initiated by the Bureau of Indian Affairs when they did not adhere to any of the recommendations beyond the bull-dozing of three (3) houses to the ground? Our attempts to review Concho Agency Budget Summary's for the years 1979-1984 were met with the answer of "not available from 1982 back" by the former Agency Superintendent. Whether or not money was appropriated to comply with 1979 facilities evaluation recommendations and then redesignated when B.I.A. decided to get out of the boarding school education business is a moot point to ponder. The facts are that the Department of Labor has already evaluated the Concho School site and found it to be suitable for a Job Corp Center providing it is upgraded to code. They

are willing to assume the operational costs for the 16 and 17 year olds, while the State of Oklahoma will finance the costs for the 14 and 15 year olds through their Health and Human Services Department. The Department of Labor would be the operator of the facility and there would be fifty (50) to seventy-five (75) unsubsidized permanent jobs created through contract services available to the Tribes and the surrounding non-Indian communities

Additionally, the renovation of this facility will accelerate the Cheyenne-Arapaho Tribes opportunity to become self-sufficient. The Cheyenne-Arapaho Tribes now have the management capability to reach-out and assume a leadership role for our economic community as well as our Tribes. It is vitally important that we are economically enabled to pursue this three way government to government partnership for exploring new grounds and building inroads into Reservation Economies by tribal partnerships with non-Indian Communities when the benefits are mutual for all partners involved.

Perhaps, the single most important facility is the water plant. Any new development at Concho will depend on increased capacity and improved treatment controls of the water plant. Although the sewage/lagoon system is scheduled to be enlarged through a grant obtained from EPA, there is still preliminary work that needs attention. One of these tasks is the removal of the old sewer lines that were left in

the ground after the old Concho School was demolished. These old pipes carry rain water to the lagoon, causing it to overflow. The Bureau did nothing about this problem in the twenty years since the old school was torn down.

The Tribes do not wish the Concho School facilities to become a white elephant. With the appropriation as requested, these facilities can be a valuable asset to the Tribes.

In conclusion, we, the Cheyenne-Arapaho people firmly believe that economic development in any form will not occur without social and human development. The 2.7 million dollars requested for the renovation of the Concho School facility in reality is asking you to invest in the future of our tribes, our neighboring communities and the State of Oklahoma.

Ah-ho, Ha than (Thank you, this is what we say)

Juanita L. Learned, Chairperson
27th Business Committee
Cheyenne-Arapaho Tribes of Oklahoma
P.O. Box 38
Concho, Oklahoma 73022

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

ERNEST DICK, SCHOOL BOARD PRESIDENT, ROUGH ROCK COMMUNITY SCHOOL

CARL LEVI, EXECUTIVE DIRECTOR

Mr. ATKINS. Rough Rock Community School?

Mr. LEVI. Good afternoon, Mr. Chairman. My name is Carl Levi. I'm the executive director at Rough Rock. With me is Mr. Ernest Dick, who is our school board president.

Since I guess I'm the one with the trip-hammer tongue around here, I get to speak, very much at the board's request.

There are several issues we'd like to address this afternoon very quickly. First is the ISEP student transportation funding. We have several requests related to that. First, that the Committee consider and approve an emergency supplemental to raise the rate from the current $1.15 to $1.58 per mile. I'll explain why in a second. The second would be that the Committee require the BIA to show in all its future budget requests the actual transportation formula, mileage from the previous year, the actual expenditures resulting from that, and the actual mileage rate paid for the preceding year.

The board would also like to ask that the Committee require the Bureau to provide accurate figures regarding the actual need for new GSA school buses each year to replace privately-leased vehicles right now, as well as the replacements needed anyway.

Mr. ATKINS. Do you have your estimates of the costs of those things?

Mr. LEVI. Yes. They are included.

Mr. ATKINS. They are included in your testimony?

Mr. LEVI. Yes. And we will be providing supplemental documentation as well.

Mr. ATKINS. Thank you.

[Material was not supplied to the Subcommittee at the time of printing.]

Mr. LEVI. In a nutshell, we are spending in the neighborhood of $72,000, I believe, more for privately-leased vehicles than the comparable GSA vehicles would cost us. That comes straight out of the education program funding.

The other request with regard to this would be that the Committee ask the Bureau and require the Bureau to provide an estimate of the additional costs related to bus driver training that will be needed in order to comply with the Department of Transportation regulation that all bus drivers have a commercial driver's license by 1992.

Mr. ATKINS. That's not a requirement that you object to, but you're simply concerned with the cost.

Mr. LEVI. Yes.

Mr. ATKINS. Do you have some kind of ongoing program at Rough Rock to help people get their commercial driver's license?

Mr. LEVI. We are starting to do that, but it will cost us to do so. We will be providing a good bit of the training ourselves. We've al-

ready checked, and we can get bus drivers tested that do not read English. We can get them tested orally in Navajo, and the State will accept that, so we've already looked into that.

Mr. ATKINS. Thank you.

Mr. LEVI. Last but not least on the student transportation, we would ask that the Bureau be required to continue to show the student transportation funding as a separate line item in the budget rather than burying it with the rest of ISEP in the WSU fund.

Very simply, the justification for the supplemental is that in—and I say 1983, I believe that is a mistake. It was actually $1.36 in 1984, actually higher than $1.38 in 1983. I did some further research after I had written that. Roughly, we went from better than $1.38 back then to a proposed fiscal year 1991 rate of $1.11. That is a decrease of over 19 percent, while at the same time GSA rates per mile for the buses that we get from them have risen from 22 cents to 25.5 which is close to a 16 percent increase, so we're losing on both sides of that line. The $1.58 simply is related to that 15, almost 16 percent increase in GSA rates. Our costs have actually gone up at a greater rate, but that we can clearly justify.

The private lease is dealt with in there, and as I say, we'll provide you with further information on that.

Second, we have a need for additional staff housing at Rough Rock, as do many other schools, but we are 100 percent full during the school year. Our occupancy rate is virtually 100 percent, minus a very few days.

Mr. ATKINS. Twenty three-bedroom houses would fulfill your needs?

Mr. LEVI. That would fill our need for now, and we could fill them right now. We will probably need more in the future. If we could get more, we would do it, but we'd like to start with that.

Mr. ATKINS. Do you have some kind of analysis that indicates that those homes could be moved in one——

Mr. LEVI. Yes. We have a building periods program, the instructor of which has 22 years in the construction business, extensive experience in moving buildings. He has not only lived in those houses, he has examined them for this purpose, and there is absolutely no question that they can be successfully, safely moved, and put in place.

Mr. ATKINS. Your cost estimate for this is done——

Mr. LEVI. It is basically his estimate. We will get additional estimates to be sure. This would be using our students to do as much of the work as they could do and providing them with hands-on experience, obviously saving the cost of new construction by at least half. The very minimum estimate we have gotten, and this would be for actually a lesser dwelling, it would be minus a garage, would be about $42,000, and it would not be of the same quality as the houses that could be moved. It would be of lower quality. They could probably be built for that, but that is why we have estimated for similar quality with the garages, et cetera, about $60,000.

Mr. ATKINS. We appreciate your comments on the Office of Construction Management. They reflect, other high praise that the office has received. It is nice to see something that——

Mr. LEVI. Yes.

Mr. ATKINS [continuing]. Is receiving praise.

Mr. LEVI. We wanted to emphasize that. They have been super. We've been cooperating with them a great deal. Our own director of support services has become somewhat of an expert on the FACCOM system, and we have had him out working with the other schools. Whenever we make a recommendation, more specifically, he makes a recommendation, they listen, they follow it, they help, and they care.

I just had the opportunity this afternoon to meet with Mac Love. He is doing well by the way. It is nice to see him back. He had a lung removed, and we were very concerned.

Mr. ATKINS. He is back at work?

Mr. LEVI. Yes. He's back part-time. He and Kris Marcy have been super with all of us, and this comes not just from Rough Rock but from others as well.

Mr. ATKINS. That's greatly appreciated. Let me just assure you that we've heard from numerous schools in various parts of the country on the problem of the full parity with the DOD——

Mr. LEVI. Right.

Mr. ATKINS [continuing]. And the value of the WSUs, and we're going to look closely into that problem. It seems to be a problem system-wide. If there is any further information backup that you'd like to provide to us, if you could do that for the record that would be helpful.

Mr. LEVI. We certainly will.

[Material was not supplied to the Subcommittee at the time of printing.]

Mr. ATKINS. We also have heard numerous testimony on the White House conference, the concern that there really has been no action taken to date, notwithstanding the appropriation of half a million dollars.

Mr. LEVI. Right. If you would, just one final word on that. The emphasis of the conference is on, as it stands now, the question of a national Indian school board to set policy for the Bureau. Absolutely, we support that. That is very important and should be. Perhaps of greater concern is the fact that no matter who sets the policy, as we have already seen, there are good policies on the books right now that are not being followed. Unless some attention is given to the manner in which the BIA operates and is organized, no matter who sets the policy it is not going to make much difference.

Mr. ATKINS. That is a good point. Again, if you want to submit for the record a fuller development of that thought it would be helpful.

Mr. LEVI. Appreciate that. Thank you very much for your time, sir.

Mr. ATKINS. Thank you.

[The prepared statement of Mr. Levi follows:]

TESTIMONY

BEFORE THE

UNITED STATES HOUSE SUBCOMMITTEE ON APPROPRIATIONS

FOR

INTERIOR AND RELATED AGENCIES

THE HONORABLE SYDNEY R. YATES, CHAIRMAN

MARCH 15, 1990

PRESENTED BY

ROUGH ROCK SCHOOL BOARD, INC.

RRDS - P.O. Box 217
Rough Rock, Navajo Nation (Arizona) 86503

Ernest W. Dick, President

Carl H. Levi, Executive Director

Mr. Chairman and Members of the Subcommittee: The Rough Rock School Board, Inc. wishes to thank the Committee for this opportunity to formally address the following important issues and concerns relating to Indian education.

ISEP STUDENT TRANSPORTATION FUNDING:

REQUESTS: The Rough Rock School Board, Inc. respectfully requests that the Committee consider and approve an emergency supplemental appropriation for the current fiscal year to raise the mileage rate for Student Transportation to or above $1.58 per mile. Further, the Board respectfully requests that the Committee require the BIA to show in all future annual budget requests, the actual ISEP Student transportation formula mileage, the actual expenditures associated therewith, and the actual mileage rate paid for the preceding Fiscal Year. The Board also respectfully requests that the Committee require the BIA to provide it with accurate figures regarding the actual need for new GSA school busses to replace vehicles now privately leased. Finally, the Board respectfully requests that the Committee require the BIA to provide an accurate estimate of the additional costs for bus driver training which will result from the new Department of Transportation requirement that all school bus drivers hold a commercial driver's license by April 1, 1992

EXPLANATION: The ISEP student transportation formula considers only daily transportation for academic program purposes for day students and three round trips from home to school per year for boarding students, with limited special provisions for air transportation costs for those students who require it. With few exceptions, if any, the current funding for student transportation is inadequate to meet even the majority of those actual costs in BIA-funded schools. The mileage rate has steadily decreased from an FY' 83 high of $1.38 per mile to a low of $1.15 per mile for FY '90 (to date). This has been due in significant part to the BIA's having consistently underestimated total ISEP mileage. The BIA is proposing an FY '91 mileage rate of $1.11, representing a potential decrease of 19.57 % since FY '83.

Meanwhile, the actual costs of providing transportation have steadily increased. In Fy '84 the per mile rate charged by the GSA for a 48 passenger school bus was $ 0.22. (We do not have the FY '83 GSA mileage rate). The FY '90 rate is $ 0.2550, an increase of 15.91 %. A 15.91 % increase in the ISEP mileage rate for the same period would result in an FY '90 rate of $ 1.58. Naturally, the costs of bus drivers' wages, gasoline, parts and repairs have also increased during this same period. Thus we have a steadily shrinking allotment with which to meet steadily rising costs. The requested increase to $ 1.58 for the current Fiscal Year would result in a total supplemental appropriation need of $ 5,377,993.

The problem of insufficient transportation funding has been exacerbated by the Bureau's repeated failure to request anywhere near adequate numbers of new GSA school busses to meet the schools' actual needs. Since FY '83 (including the FY '91 budget request) only ten (10) additional busses have been requested by the BIA to meet "new" bus needs, and 175 have been requested as replacement units. In FY '85 and '86 the Rough Rock Community School alone had a need for nine GSA busses to replace units being privately leased. We still have a need for six. (Three used GSA busses have been provided). As new GSA busses are still unavailable, the School Board is forced to lease busses privately at far greater expense. The six (6) privately leased busses cost a total of $ 89,964 (including lease and gasoline costs, not including drivers salaries, routine

30-252 O—90——26

maintenance and repairs etc.) Six GSA busses (capable of carrying 18 additional passengers) would cost only $ 17,453 and would not cost anything extra for routine maintenance or repairs, thus saving more than $ 72,511.

Further, despite the explicit requirement in 25 CFR 39.103 which reads: "The Director will review transportation allotment factors each year and make changes in factors based on changes in transportation costs" (emphasis ours), there have been no significant positive changes in the transportation formula since its inception other than the inclusion in FY '87 of an additional twenty percent factor for all miles driven on unimproved roads in the Navajo Area. Field trips, transportation for athletic program purposes, trips made for emergency medical care, trips made to take students home due to mild illness or disciplinary matters, and student transportation related to school activities programs are all very common to effective school programs everywhere, yet none are recognized by the BIA other than to say that they they're allowable and must come out of the instructional and/or residential program allotments. The Rough Rock School Board would prefer that the formula be revised to separately identify and generate funds for all such legitimate transportation factors, but recognizes that this is unlikely to happen in the near future. Thus we request only the clearly justifiable supplemental appropriation.

ADDITIONAL STAFF HOUSING NEEDS AT ROUGH ROCK COMMUNITY SCHOOL:

REQUEST: The Rough Rock School Board, Inc. respectfully requests that the Committee consider and approve an appropriation in the amount of $ 400,000 specifically to cover the estimated cost of moving twenty excess housing units from the Many Farms High School campus to the Rough Rock Community School Campus.

EXPLANATION: The Rough Rock Community School has experienced a steady increase over the last five years in both student population and quarters occupancy rates. Currently, occupancy rates average almost 100% during the school year, and drop to approximately 91% during the summer. In addition to the quarters available on the Rough Rock Community School campus itself, the school has had to secure the use of ten (10) additional units at the Many Farms High School Campus fifteen (15) miles away in order to meet the demand for staff housing. The majority of those staff members living in Many Farms would prefer to move to Rough Rock itself if it were possible. The overall living environment at the Many Farms housing compound is generally much less satisfactory than that at Rough Rock. Security is poor, to the extent that many residents fear for their own and their vehicles' safety. Tires have been slashed, and there have been scattered incidents of violence sufficient to be of genuine and continuing serious concern.

The very frequent presence of livestock on the highway between Rough Rock and Many Farms both day and night creates a constant threat to safety. Virtually every staff member can attest to many close calls involving horses and cattle, and there have been numerous serious accidents and several deaths involving roaming livestock. Winter weather is frequently extremely severe, and road safety conditions degenerate very quickly, while snow plowing is seldom done quickly enough to clear roads in time to enable staffers living in Many Farms to get to school on time on bad weather days. The distance from the school to available school housing in Many Farms has also been a deterrent to successful professional staff recruitment.

A number of present school staff members live in substandard housing within the Rough Rock Community itself. A few literally have no running water or electricity and at least one lives in a house with a dirt floor. Virtually all would choose to live in school housing were it available. Twenty new housing units are currently under construction for the Rough Rock community itself. These units are already assigned, and there is a demand from community members for more. Only a few of these new units will go to school staff members. There is no question that we can keep the requested school quarters occupied.

There are presently in excess of 100 housing units standing vacant at the Many Farms High School/Chinle Boarding School housing compound in Many Farms. Most have been vacant for several years. The design and condition of many of these units make them ideal candidates to be moved in one piece to Rough Rock where they would be occupied. Rough Rock Community School has on its staff a highly skilled Building Trades instructor with over twenty years of heavy construction experience, including extensive experience in moving whole buildings. Through the school's Building Trades program, the potential exists to have the needed site work, utility line extensions and most of the construction of the necessary concrete pads and stemwalls done by building trades students under competent supervision. The houses could be moved professionally and set in place at Rough Rock for far less than the cost of new construction. We estimate that it will cost approximately $ 400,000 to move 20 three bedroom houses to Rough Rock and make them ready for occupancy. This includes the cost of all site work, utility line extensions, the actual moving of the units, and the cost of necessary repairs and renovations prior to occupancy. Current costs for new construction of comparable houses would run from $60,000 to &80,000 per unit. Prices for two bedroom mobile homes of comparable quality start at approximately $32,000 in Albuquerque.

The result of approving this request would be a reduction in the BIA's excess facilities square footage, a savings of at least $800,000, the availability of a real life, "hands on" vocational educational experience for our students, and the provision of sorely needed adequate housing for school staff. The alternative is to spend approximately $150,000 to demolish the units, or to allow them to deteriorate beyond repair. This project would provide multiple benefits at a very substantial overall savings. The Committee's most serious consideration of this proposal will be greatly appreciated by all concerned.

THE FACCOM SYSTEM:

REQUEST: The Rough Rock School Board, Inc. respectfully requests that the Committee provide full funding in FY' 91 to meet the increased need for Facilities Operation and Maintenance funding created by the addition of appropriate factors within the FACCOM system for kitchen and dormitory maintenance.

EXPLANATION: Recent reviews of the current FACCOM inventories and work analysis reports have revealed that there is a serious need to incorporate appropriate factors for labor hours and labor costs associated with kitchen and dormitory maintenance. These lack of these factors was not noticed until too late in the current year to incorporate them in projections by the Office of Construction Management and BIA Facilities Management for FY '91. The inclusion of these factors would result in sufficient funding for all BIA-funded schools to meet these needs.

Of perhaps greater importance in the minds of the Rough Rock School Board and

others is the need to recognize and formally voice our appreciation of the generally excellent job that the Office of Construction Management has done in securing full funding for and in pushing for effective implementation of the FACCOM system. The attitude of communication, cooperation and support for getting the job done is highly commendable and all too rare in our experience. We simply want to take this opportunity to formally offer our thanks and appreciation to those within OCM, and within BIA Facility Management as well, who have made the lives of our students and staff significantly better, and the work of our Facilities Management staff members significantly more effective. Were this type of attitude and performance the norm, the Committee might eventually see fewer of us at hearings time.

TEACHER PAY INCREASES:
REQUEST: The Rough Rock School Board, Inc. respectfully requests that the Committee direct the BIA to request adequate funding to meet the full need within all BIA-funded schools to achieve parity with Department of Defense teacher, counselor and librarian salary scales by FY '92.

EXPLANATION: At present, due to a combination of underestimating both student enrollment in BIA-funded schools and the actual need for funds to meet the costs of raising teachers', counselors' and librarians' salaries one-third of the way toward full parity with those in the Department of Defense, the BIA has effectively reduced the value of one Weighted Student Unit (WSU) to below that of FY '89 and to within $20 of the FY '88 WSU value. The net effect will be to force RIF's in many BIA-operated schools to meet new salary requirements, and to at least prevent most or all contract and grant schools from providing the new salaries without doing the same. Ten years ago Congress mandated in section 1128 of P.L. 95-561 that the Secretary of the Interior establish a school funding formula which in part considered "... costs associated with greater lengths of service by educational personnel;..." and "...the cost of providing academic services which are at least (emphasis ours) equivalent to those provided by public schools...". The funding formula which resulted does neither and the present BIA budget requests are utterly inadequate to come anywhere close to meeting the intent of Congress as we understand it. Our children deserve a quality education as much as any in this country, and it seems that unless they are forced to do so, the BIA will continue to effectively avoid its responsibility to provide such an education. We ask the Committee's assistance in fully implementing the intent of P.L. 95-561.

THE WHITE HOUSE CONFERENCE:
REQUEST: The Rough Rock School Board, Inc. respectfully requests that the Committee appropriate the amount of at least $ 500,000 to the Bureau of Indian Affairs for the purpose of planning the White House Conference authorized under P.LO. 100-297.

EXPLANATION: As long as the Bureau of Indian Affairs is constituted as it is at present, the likelihood of any truly substantial change in the management and effectiveness of Indian education and other programs operated or overseen by the BIA is slim at best. The White House Conference presents a major opportunity to begin to address the need for massive changes in the governance of Indian Affairs at the federal level. We ask your assistance in making that opportunity a reality. We thank the Committee for its past support of our People, and ask that it continue to provide the same in the future.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

FAITH ROESSEL, STAFF ATTORNEY, NATIVE AMERICAN RIGHTS FUND

Mr. ATKINS. Native American Rights Fund?

Ms. ROESSEL. My name is Faith Roessel. I'm a staff attorney here in Washington, D.C. at the NARF office. John Echohawk was unable to make it today.

NARF is presenting this testimony on behalf of two of our clients that we represent. It is the Skokomish Indian Tribe and the Fort McDowell Indian community.

The Skokomish Tribe is asking for continued funding from the BIA in the amount of $299,800 for the protection of its treaty-reserved fishing rights and reservation lands. The Fort McDowell Indian community is asking for continued funding in the amount of $285,000 for the protection of its reserved water rights. This funding has come, and continues to come, from the division of trust responsibility within the BIA under their resource protection funding category.

Very briefly, the Skokomish Indian Tribe only received BIA funding last year, and it was when NARF was able to obtain this funding for the tribe for this technical assistance that the tribe was able to intervene in the Cushman Dam project, Federal Energy Regulatory Commission proceeding that was ongoing to relicense Cushman Dam.

The tribe has used, and will continue to need, technical assistance experts in the areas of fisheries, biology, power economics, ethnography, archaeology, engineering, in-stream flow expertise, and channel morphology—I'm not sure what that is.

Mr. ATKINS. Sounds good.

Ms. ROESSEL. You can tell I'm not their attorney. [Laughter.]

The BIA has been funding the Fort McDowell Indian community since 1985, and NARF represents them in their reserve water litigation. This year, will be an eventful year for the Fort McDowell Indian community in that NARF is negotiating a settlement to settle that case. In any event, for either preparation of settlement or, if that falls through, for litigation the tribe will need to continue funding for legal oversight, an economist, an engineer, a soil scientist, and a negotiation consultant.

We have attached a fairly detailed budget for the committee's consideration. The tribes would be happy to provide more documentation should you have any questions.

I think overall it is very important to continue this funding, to even increase it in this area of the division of trust responsibility because really the technical experts are absolutely essential and crucial in terms of a tribe actually sitting as an equal bargaining partner in either negotiations, litigation, or whatever it may be. It is usually an adversarial relationship, so the most information that a tribe can garner, the better it is in terms of representing and getting the best settlement or end result for its tribe.

So we would like to see the continued funding of this category and appreciate the time here.

Mr. ATKINS. Thank you very much.

[The prepared statement of Ms. Roessel follows:]

**TESTIMONY OF THE SKOKOMISH INDIAN TRIBE
AND THE FORT MCDOWELL INDIAN COMMUNITY
BEFORE THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE**

The Skokomish Indian Tribe and the Fort McDowell Indian Community are pleased to be able to convey our respective needs through the Native American Rights Fund regarding legal oversight and technical assistance for Fiscal Year 1991 to the House Interior Appropriations Committee. Skokomish is asking for continued funding from the BIA in the amount of $299,800 for the protection of its treaty reserved fishing rights and reservation lands. Fort McDowell is asking for continued funding in the amount of $285,000 for the protection of its reserved water rights. These activities are funded under the Division of Trust Responsibility as resources protection funding.

Skokomish Indian Tribe

The BIA provided funding for the Skokomish Tribe from resources protection funding in 1989\90 in the amount of $125,000 for technical expertise for the Tribe's intervention in the Federal Energy Regulatory Commission's proceeding to relicense the Cushman Dams Project. Continued funding is critical. The project has damned up the North Fork Skokomish River since 1926 destroying the fishery in contravention of the Tribe's treaty reserved right to fish in the river and has caused other damage to the reservation lands. The Tribe is seeking to have conditions imposed on the license to assure that no further harm to treaty rights will occur and to obtain mitigation for past damages. The Tribes efforts have languished since the early 1970s when the application for relicensing was filed. It was not until 1989, when NARF was able to obtain funding for technical assistance that the Tribe has been able to have meaningful input into the relicensing proceeding.

The Tribe needs technical assistance experts in several areas including fisheries

biology, power economics, ethnography, archaeology, engineering, instream flow expertise, channel morphology. Effective Tribal intervention in the FERC proceedings depends on continued technical assistance.[1]

Fort McDowell Indian Community

The BIA has provided funding since 1985 for legal oversight and technical assistance for the protection of the water rights of the Fort McDowell Indian Community - $91,000 was provided in 1989. This case is at a critical juncture: a settlement could be finalized this year. If no settlement can be reached, the Community will have to prepare for litigation. Either way continued funding is critical: a break in the continuity of funding could render all past efforts meaningless. At a minimum, it could cause a breakdown of the negotiation process and would significantly weaken the Community's position if litigation becomes necessary. The Community needs legal oversight, an economist, an engineer, a soils scientist and a negotiation consultant.

The specific expert needs for Skokomish and Fort McDowell for 1991 are set out below. In cooperation with NARF, we will be happy to provide more detailed information about specific experts to the Committee upon request.

The Funding Mechanism

In the past the BIA has provided a grant to the Native American Rights Fund from its Division of Trust Responsibility resource protection funding for legal oversight and technical assistance to its tribal clients, including the Skokomish Indian Tribe and the Fort McDowell Indian Community. This funding mechanism has worked well. NARF has been very successful in the use of expert consultants. The Native American

[1] In addition, the Skokomish Indian Tribe is asking the BIA for direct funding to the Tribe (Tribal Support) in the amount of $75,000 for attorneys fees for local counsel who has been involved in the FERC relicensing proceedings since the early 1970s, and for funding of tribal functions related to the relicensing, such as the tribal advisory committee and tribal negotiating team.

Rights Fund is this country's only national Indian legal defense fund. NARF, which has been at the forefront of nearly every major issue facing Native Americans, has been preeminent in the protection of trust resources, water rights, and treaty reserved rights. NARF is uniquely able to assemble and utilize technical expertise on behalf of tribes in the area of resource protection. We would like to continue this arrangement that has proved effective.

Technical expertise has become critical in trust resource protection. Continued utilization of experts is essential to continue NARF's work in protecting these irreplaceable resources on behalf of its Tribal clients. Without experts funded by the BIA, the Tribes could bring little hope of success to the bargaining table or into the courtroom. With current funding NARF has been able to take forceful positions on our behalf and we have been able to bargain as equals with other parties. Protection of treaty rights, water rights, and other trust assets requires at least this much.

ANTICIPATED BUDGET FOR NEGOTIATION AND LITIGATION-FY '1991
FT. McDOWELL WATER RIGHTS

		1/1/91-3/31/91	4/1/91-3/31/92
[illegible]AL OVERSIGHT	Hours:	$14,000	$ 65,000
	Expenses:	4,000	10,000
		$18,000	$ 75,000
ECONOMIST	Hours:	$10,000	$ 46,000
	Expenses:	4,000	6,000
		$14,000	$ 52,000
ENGINEER	Hours:	$10,000	$ 42,000
	Expenses:	2,000	6,000
		$12,000	$ 48,000
SOILS SCIENTIST	Hours:	$ 5,000	$ 12,000
	Expenses:	1,000	3,000
		$ 6,000	$ 15,000
NEGOTIATION CONSULTANT	Hours:	$ 6,000	$ 28,000
	Expenses:	3,000	8,000
		$ 9,000	$ 36,000
	SUBTOTAL:	$59,000	$226,000
FT. McDOWELL TOTAL:			$285,500

SKOKOMISH TREATY & WATER RIGHTS

ENGINEERS	Hours:	$18,600	$ 74,400
	Expenses:	4,000	10,000
		$22,600	$ 84,400
ECONOMIST	Hours:	$ 1,000	$ 8,000
	Expenses:	300	1,000
		$ 1,300	$ 9,000
ARCHAEOLOGIST	Hours:	$ 1,800	$ 7,200
	Expenses:	300	500
		$ 2,100	$ 7,700
HISTORIANS	Hours:	$ 5,400	$ 21,500
	Expenses:	800	2,000
		$ 6,200	$ 23,500
BIOLOGISTS	Hours:	$11,400	$ 45,600
	Expenses:	1,000	4,000
		$12,400	$ 49,600
	SUBTOTAL:	$44,600	$174,200

TRIBAL SUPPORT - SKOKOMISH

LOCAL COUNSEL	Hours:	$12,000	$ 48,000
	Expenses:	2,000	4,000
		$14,000	$ 52,000
TRIBAL SUPPORT	Expenses:	3,000	12,000
	SUBTOTAL:	$17,000	$ 64,000
SKOKOMISH GRAND TOTAL:			$299,800

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

EDWARD LONEFIGHT, CHAIRMAN, FORT BERTHOLD RESERVATION

Mr. ATKINS. Fort Berthold Reservation?

Mr. LONEFIGHT. Good evening. My name is Edward Lonefight, the chairman of the three affiliated tribes of Fort Berthold, North Dakota. I appreciate the opportunity to present the funding needs of Fort Berthold reservation to the Subcommittee.

You have received the written testimony, which I have submitted for the record. In order to save the time of the Subcommittee, I will briefly summarize the testimony and our funding needs.

The tribal government of the three affiliated tribes is striving to be responsible, responsive, efficient, and an honest provider of governmental services. We have made great progress. However, our job is extremely difficult because in 1949 the Federal Government took from the tribes, without full compensation, our most productive Missouri River Basin lands for the site of the Garrison Dam and reservoir, which are now called Lake Sakaiawea.

The flooding of our homes forever divided the reservation into five inaccessible segments whose social, economic, physical, governmental, and cultural infrastructure were severed. The Federal Government funds us as if we were a centralized reservation community, but the uncompensated Federal taking of our lands means, among other problems, that the tribal government must administer the reservation as five separate, unlinked, far-off communities.

This is a very expensive proposition which the Federal Government does not take into account, nor admit responsibility for, so the requests that I will summarize in a moment, Mr. Chairman, are larger than you or I would want them to be. The need for special understanding by your Committee, given the extreme budget limitations you are required to operate under, is vital.

Our request for your Subcommittee is as follows: for reservation highways and roads to homes, $13,063,000; for post-secondary education, to construct high school, $3 million; for economic development including Indian Financing Act grants and loans for Fort Berthold, $3 million; for health services, including a substance abuse facility, a two-day a week dental service, a contract physician, and additional contract health care funds, $1,827,000; for post-secondary education, to construct a reasonably-accessible centralized facility for the community college, $1,700,000; for law enforcement, including construction and establishment of a tribal jail facility and for police vehicles, $1.6 million; for fish, wildlife, and recreation, $347,000. This will go into a facilities management and adding three more personnel and some vehicles.

For meeting new requirements of the Resource Conservation Recovery Act, solid waste management plan, $250,000; to continue the joint tribal State water management plan funded by Congress last year, $150,000. This will be for technical assistance. For the establishment of tribal government education department, $150,000.

Thank you for listening and your concern for the programs at Fort Berthold.

Mr. ATKINS. Thank you very much.

[The prepared statement of Mr. Lonefight follows:]

Testimony of Chairman Edward Lone Fight

before the

Subcommittee on Interior and Related Agencies

of the

House Committee on Appropriations

Good day Chairman Yates and members of the Subcommittee. My name is Edward Lone Fight. I am the Tribal Chairman of the Three Affiliated Tribes of the Fort Berthold Indian Reservation. Thank you for this opportunity to appear before the Subcommittee and discuss the funding needs of the Fort Berthold Indian Reservation.

Recently we have all heard a great deal about the federal-tribal relationship. We have heard how tribes are dependent on a federal bureaucracy that is frequently inept and ineffective. We have also heard of corruption within tribal government.

At Fort Berthold, we are striving to become a more self sufficient, efficient, and honest provider of governmental services. We feel that we are continually making progress. However, much work remains to be done. Today, I am here to describe our unmet needs and how meeting these needs will accomplish the goals of both the nation as a whole and those of the Three Affiliated Tribes.

I will first discuss the programs of the Bureau of Indian Affairs that as administered on Fort Berthold have significant funding shortfalls. The first items I would like to address involve the appropriations that the Bureau receives for natural resource management activities. In this subject area, the Tribes are well aware of at least two programs, Water Resources, and Fish, Wildlife, and Recreation, that are significantly underfunded on the Fort Berthold Reservation. Both of these programs are contracted by the Tribes utilizing P.L. 93-638.

The Tribes have begun work with the State of North Dakota on a water management plan for the Fort Berthold Reservation. This plan will clarify water quantity and quality issues on an important stretch of the mainstem of the Missouri River. This endeavor is dependent on utilizing accurate water resource data. At the present time these data are sorely lacking for Fort Berthold. The Three Affiliated Tribes have entered into a joint funding agreement with the U.S. Geological Survey to conduct a water resources assessment on the Reservation. The work began this fiscal year and when completed will benefit both the general public and resource managers in the Missouri River Basin. However, the Bureau of Indian Affairs has not asked for the supplemental funds necessary to continue the assessment. Without the funds, in the amount of $150,000, neither the assessment nor the planning effort can continue.

Fish, wildlife, and recreation are all important resources on the Fort Berthold Reservation. The Tribes have expended a great deal of effort to develop recreation opportunities, on the Reservation, which are available to the general public. The Tribes have regulated hunting and fishing on the Reservation for several years. During the past ten years activities have been funded through a P.L. 93-638 contract with the Bureau. However, the contract funds and the license fees we currently collect are inadequate to meet the demand placed on these resources. We have inadequate enforcement and technical personnel, facilities, and equipment. We are seeking an appropriation of $347,000 to meet these needs. Of these funds approximately $130,000 would be one time expenditures for equipment and facilities.

The flooding of the Reservation, for the impoundment of Garrison Reservoir, has created problems in almost all matters related to the administration of governmental services. The law enforcement capabilities of the Reservation have been effected by the division of the Reservation into separate segments by Lake Sakakawea. The Bureau Branch of Law Enforcement is forced to utilize older patrol cars which acquire high mileage due to the driving and patrol distances involved. These units are unreliable and repair costs are high. We are seeking funds to purchase six new full size patrol vehicles and one four wheel drive pickup for search and rescue activities. The cost of these vehicles is approximately $90,000.

Also in regard to law enforcement, the Bureau is currently renting their jail space. The facilities are inadequate. The Tribes are requesting $1,500,000 to construct a new facility.

The inundation of the Reservation also created tremendous problems regarding the transportation infrastructure. The roads to homes need to be developed to insure that in emergencies people can be provided transportation. Only Congress can authorize the construction of these off-highway homesite access roads. According to the Bureau of Indian Affairs, to construct these home access roads on Fort Berthold will cost $1,000,000. Other roads are needed to access recreation areas and better serve the Reservation public. The estimated cost of those roads is in excess of $12,000,000. The Branch of Roads itself is underfunded. There are unmet needs in the amount of $61,000 for equipment and facilities.

A recent report by the Census Bureau indicates that the Indian residents of Fort Berthold have the highest education levels of Indians in North Dakota. We are proud of the accomplishments made in the area of education but feel much more needs to be achieved. The most logical place to start, when improving education, is with the young. The Tribes have a well administered Headstart Program. This program has been successful in developing good work and study habits in the young children of

Fort Berthold. However, the program is currently making do with inadequate facilities. With more appropriate facilities the program could provide its service to twice as many children. The cost of such facilities is high, on the order of $1,000,000, and funding is not available through the program funding source. We seek your help in this area.

At the other end of the education spectrum are the post secondary students. The Fort Berthold Community College was established as a two year school to help students and adults continue their education. The College was recently accredited and has initiated a capital campaign to begin the expansion of facilities. But on the Reservation, where poverty levels are high, and in a state suffering economic hardships from drought and low energy prices, it is hard to solicit contributions. The facility envisioned for the college is a multi-purpose building which would also meet the needs of the local community. The cost of the facility, for which a funding source has not been identified, approaches $1,000,000. The Tribes are also requesting that the funding level for students, under the Tribally Controlled Community College Act, be raised to the amount of $3,300 per full time equivalent.

The Tribes are also seeking a high school for the community of Twin Buttes. At the current time these students are transported off the Reservation. We feel that their education needs could be better met in their own community. The cost of such a facility is estimated at $3,000,000.

One additional matter regarding education involves the contracting of that program by the Tribes utilizing P.L. 93-638. Prior to contracting the budget of the program was over $150,000. The Bureau has not provided this level of funding. In fact, for this year the Tribes are only receiving $15,000 through the P.L. 93-638 contract. We are asking that the funding level be restored to $150,000.

In regard to lagging economies, the Tribes are also concerned. The Tribes are attempting to increase the level of economic activity on Fort Berthold in both the production and service sectors of the economy. However, without adequate credit available this is a difficult, if not, impossible task. The Tribes are asking that the Bureau of Indian Affairs set aside the amount of $3,000,000 for Indian Finance Act programs, including guaranteed loan funds, grant funds, and direct loan funds for Fort Berthold.

The provision of health services on Fort Berthold is also a matter of utmost concern. The Indian Health Service is responsible for a broad spectrum of activities on Fort Berthold. One of the most important components of a health program is the prevention of drug and alcohol abuse. The Tribes have initiated an Alcoholism Services Program on Fort Berthold that is making progress in the control of alcohol abuse. However, the program is making do with an outdated frame building that does not meet standards for either a halfway house or treatment facility. This type of facility is needed on Fort Berthold. The cost of a halfway house and treatment facility is estimated at $1,000,000.

Much could also be done in the area of preventive medicine on Fort Berthold. There is a need for increased availability of dental services at Reservation segments. The Service Unit has identified an appropriate facility which would cost approximately $10,000 to refurbish. A dentist and assistant could be contracted for two ways a week at an annual cost of $27,000.

There is also a dire need for additional medical and health care personnel on Fort Berthold. Health care personnel such as Physicians Assistants, Nurses, Community Health Representatives, and Emergency Medical Technicians are needed in each segment. We are also in need of an additional doctor on a full time basis. The Three Affiliated Tribes are interested in contracting the employment of that doctor. We feel that by 638 contracting we

could retain a person longer on the Reservation. At the present time, the government doctors come and go on a regular basis. This turnover does not allow a doctor-patient relationship to develop. It would cost approximately $200,000 to contract this service.

The provision of health care that is unavailable through the local clinic is also of utmost importance. These services are contracted for by the Indian Health Service and patients are treated on a referral basis. The Tribes have requested Minne-Tohe Clinic to seek an additional $500,000 of contract health care funds and an additional $100,000 of funding for hospitals and clinics on a recurring basis.

The last request I have is that subcommittee give serious consideration as to how Indian reservations will comply with the implementation of Subtitle D of the Resource Conservation Recovery Act (RCRA). The Three Affiliated Tribes have worked with the Indian Health Service and the Environmental Protection Agency on a Solid Waste Management Plan for Fort Berthold. Because of the regulations which have been proposed and are soon to be implemented we are forced to modify our plan. Because of new siting, construction, and monitoring requirements, we will no longer be able to afford to landfill inert wastes in each segment. We will be forced to haul wastes to the centralized Reservation landfill which meets RCRA standards. To do so

additional capital expenditures are necessary to construct and implement a bulky waste disposal and transport system. We are asking that the authority contained in P.L. 86-121 be utilized to appropriate $250,000 for the construction and implementation of a bulky waste disposal program.

Supplemental materials are available to the Subcommittee which document the problems and needs I have mentioned. They will be provided upon request. There are also numerous other unmet needs on Fort Berthold. However, all of our problems and needs do not fall under the jurisdiction of this subcommittee. I thank you for the time you have shared with me today, to listen about the needs of the Three Affiliated Tribes.

I am now asking for your consideration to correct a portion of the deficiencies I have identified. To do so will be taking an important step in developing the infrastructure of the Fort Berthold Reservation and furthering tribal capability and efficiency. Once again, thank you for your time and consideration.

THURSDAY, MARCH 15, 1990.

INDIAN HEALTH SERVICE

WITNESS

JANE TIGER, MASTERS IN PUBLIC HEALTH PROGRAM

Mr. ATKINS. Masters in Public Health Program? Good evening. You have been very patient.

Ms. TIGER. Yes, I know. I came all this way.

My name is Jane Tiger. I am the associate director for the graduate program in public health for American Indians at the University of Oklahoma.

I am here on behalf of the Masters in Public Health Program for American Indians and Alaska natives at the schools and colleges of public health at the universities of Oklahoma, California-Berkeley, and Hawaii.

We are here to request $267,000 for support of these programs, which represents a 30 percent increase over last year's appropriation of $259,000.

Our master of public health degree programs have been in existence for 19 years with Oklahoma and California and 12 years with the University of Hawaii. Our programs are primarily retention, recruitment, and placement programs for American Indians who have received their MPH degrees.

Currently, our figures show that 51 American Indian students are enrolled at all three universities. A total of 337 have graduated since the programs began.

The graduate-level education and training provides these students to become hospital and clinic administrators and planners, health educators, sanitarians, environmental health specialists, maternal and child health nutritionists, epidemiologists, and file statisticians to name a few.

Our funding source for these programs—we are provided support by the Indian Health Service, in conjunction with support which is provided by all three universities. We feel that there is a need to meet the IHS's need to help improve their manpower shortage by employing American Indians through their Indian preference.

Lastly, I would like to thank you for your support over the years. We look forward to continuing our program.

Thank you.

Mr. ATKINS. Thank you very much, Jane. The program certainly has been a tremendous success, and we appreciate your good work, and we'll give it every consideration.

Ms. TIGER. Thank you.

[The prepared statement of Ms. Tiger and Felicia Hodge follows:]

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO — SANTA BARBARA • SANTA CRUZ

SCHOOL OF PUBLIC HEALTH
415/642-3228

EARL WARREN HALL
BERKELEY, CALIFORNIA 94720

March 7, 1990

The Honorable Sidney Yates
Chairman
Interior Subcommittee on Appropriations
U.S. House of Representatives
B308 Rayburn House Office Building
Washington, D.C. 20215

Dear Chairman Yates:

It is our understanding that the Interior Subcommittee on Appropriations will hold hearings for outside testimony during the week of March 12, 1990.

We would appreciate the opportunity of addressing the Subcommittee in this regard as we have in the course of the past twelve years operated a graduate training program for American Indians and Alaska Natives in the field of Public Health and would like to share information regarding the progress and impact of this program.

We look forward to hearing from you.

Sincerely,

Felicia Hodge, Dr.PH., Director
MPH Program for American Indians
and Alaska Natives
University of California at Berkeley

Jane Tiger, MPH, Assistant Director
Graduate Program for American Indians
The University of Oklahoma

FH/lp

The
University of Oklahoma
Health Sciences Center

DEPARTMENT OF SOCIAL SCIENCES AND HEALTH BEHAVIOR
College of Public Health

M E M O R A N D U M

TO: Congressman Sidney R. Yates, Chairman
Appropriation Sub Committee on Interior and Related Agencies

FROM: Felicia Hodge, Dr. P.H., Director, MPH Program for American Indians and Alaska Natives, University of California at Berkeley

Jane Tiger, M.P.H., Associate Director, Graduate Program for American Indians, University of Oklahoma

REPRESENTING: MPH Programs for American Indians/Alaska Natives at the:

School of Public Health, University of California at Berkeley
School of Public Health, University of Hawaii
College of Public Health, University of Oklahoma

HEARING DATE: 4:45 P.M., March 15, 1990

FUNDING REQUEST: For fiscal year 1991, $267,000 is requested for support of the Master of Public Health Degree Programs for American Indians/Alaska Natives at the Schools and Colleges of Public Health at the Universities of California at Berkeley, Hawaii, and Oklahoma. This request represents a 3% increase over last years appropriation of $259,000.

PROGRAM DESCRIPTION: There are three university-based programs specifically designed for American Indians/Alaska Natives in recruitment and retention. These Master of Public Health Degree Programs have been in existence for many years and have seen hundreds of Indian students matriculate and graduate with professional degrees in the health care field. Student identification and recruitment efforts are accomplished through direct contact and site visits to Indian reservations and communities, universities and colleges, and major Indian conferences, meetings and places of employment. We provide information on graduate education in public health and assist in the matriculation process. Once the student is enrolled in the professional school, particular attention is directed at student advocacy, field training, and retention, with concern for eventual employment for the graduates. Currently there are 51 American Indians/Alaska Natives enrolled in the three universities' Schools of Public Health. To date, there have been a total of 337 Indian graduates from universities through these three programs efforts.

Post Office Box 26901 801 Northeast 13th Street, Room 369 Oklahoma City, Oklahoma 73190 (405) 271-2017

These three programs have been quite successful due to a well coordinated effort of community outreach and information dissemination on graduate education, as well as a strong student advocacy, counseling, and retention program within the universities. These MPH programs help to relieve the Indian health manpower shortages of the Indian Health Service and tribal health programs. These universities provide graduate level education and training for hospital and clinic administrators and planners, health educators, sanitarians, environmental health specialists, alcohol counselors, maternal and child health specialists, gerontologists, epidemiologists, occupational health specialists, nutritionists, behavioral scientists, public health nurses, and other public health professionals - all essential professions which make an impact on the serious health and social welfare problems existing on Indian reservations and in urban areas where American Indians/Alaska Natives cluster.

The three schools have established strong track records of producing professional American Indians, the majority of whom return to the Indian community for employment. In doing so, we have enjoyed the support of tribes and Indian alumni who become an important recruitment networking system. There are no other schools of public health which have the same commitment and background in working with American Indian students at the graduate level in public health.

UNIVERSITY OF CALIFORNIA at BERKELEY: The University of California at Berkeley MPH Program began in 1971 with a class of five Indian students. Since that time, Berkeley has recruited, advocated for, and secured the admission of 201 American Indians/Alaska Natives in public health graduate programs (163 at Berkeley and 38 others were financially supported at other schools of public health when scholarship funds were available for direct award by the Berkeley program). For this 1990 academic year, there are 10 American Indian/Alaska Native students enrolled in the School of Public Health (five of these students are doctoral students). Our Indian alumni are successful professionals. Sixty-three are presently employed by Indian Health Service, 35 work for tribal or other Indian organizations, and three are pursing further graduate degrees. Of the 63 employed by IHS, one is an Area Director, two are Special Assistants to Area Directors, 11 are service unit directors and administrative officers, six are health educators, and eight are program chiefs. The remainder hold significant positions such as: nutritionists, social workers, sanitarians, program analysts, and medical officers to name a few. Our alumni come from all states within the United States.

The University of California is quite proud of its American Indian recruitment program and has strongly supported the program. This academic year alone, the University has committed over $70,000 of its own funds to the program for student stipends, tuition and fees, and the Summer Prematriculation Program. The school has also supported a portion of our travel and personnel, our workshops and colloquium, and has established a special graduate-level class on Indian health and social welfare issues.

UNIVERSITY OF OKLAHOMA: The Graduate Program in Public Health for American Indians at the College of Public Health, University of Oklahoma Health Sciences Center continues to be a vital component in the effort to meet the demand for qualified American Indian professionals in the Indian Health Service, tribally operated health centers and hospitals, health related programs serving Indian people and other federal, state and local health agencies.

The program has been experiencing an ever increasing enrollment of Native American students with each academic year. Enrollment figures for the 1988-89 academic year showed the largest enrollment in the program's history, reporting 41 Native American students enrolled during the Fall 1988 semester. Currently, the program has 30 American Indian and Alaska Native students enrolled for the 1990 spring semester, representing 20 tribes. Of these students, 16 are in Health Administration, nine are in Health Education, four in Environmental Health, and one is in Biostatistics and Epidemiology.

The major objectives of the program have been to facilitate the enrollment, retention, and placement of American Indians in the field of public health. Since the inception of the program in 1971, the College of Public Health has graduated a total of 97 American Indian and Alaska Natives. Degrees awarded to these graduates included 90 MPH degrees, three MS degrees, one Dr. PH and Three Ph.D. degrees. Two Native Americans received both Masters and Doctoral degrees. Currently, 48% of the Native American graduates are employed with the Indian Health Service, 18% are employed in non-Indian health related programs, 12% are working with school health programs, 6% are working for tribally operated health centers and urban-Indian health programs, and 3% are pursuing further graduate degrees. The remaining 13% are working with non-health related agencies, retired, or deceases. Of the graduates employed by IHS, 17 are service unit directors and administrative officers, six are health educators, and 10 are area program specialists. The remainder hold positions as nurse educators, quality assurance officers, health system specialists, sanitarians, and statisticians.

UNIVERSITY OF HAWAII: The American Indian program at the School of Public Health, University of Hawaii, which began in 1980, has graduated 39 American Indian/Alaska Native students. Of these graduates 30 are presently employed with the Indian Health Service. There are eleven Indian students enrolled for the 1990 Spring semester specializing in Health Services Administration, Health Education, and Maternal and Child Health. The academic program of the School is geared strongly towards the health problems of third world countries. Thus the content of the courses is directly relevant to the health problems present on so many reservations.

The program director recruits primarily by direct visits to IHS service units and colleges in Alaska, the northern plains, and the southwest. Results indicate that this face to face approach is a positive way to attract students to the program. Students continue to note how comfortable they feel in the mixed ethnic climate in the state and at the university. Costs continue to be a major burden, especially in housing. Consequently, there is an urgent need to increase the P.L. 94-437 scholarships available.

PROGRAM JUSTIFICATION: Health professional recruitment programs such as ours at the Universities of California, Hawaii, and Oklahoma help meet the needs of tribes by furnishing highly trained Indian professionals, a key element in tribal programs. Funded under Title I of P.L. 94-437 (the Indian Health Care Improvement Act) these training and recruitment programs also are a source for the IHS to meet their policy of correcting its manpower shortages through Indian preference in employment.

Although the MPH Programs for American Indians/Alaska Natives have been in existance for several years, graduating over 330 + American Indian health professionals, much needs to be done to ensure parity. Native American health professionals are just now becoming an important part of the IHS health care service delivery system. With the severe health status of tribes, and the increasing concern over new health threats such as AIDS, cancer, etc., it is essential that we continue to center our efforts to facilitate the enrollment, retention and placement of American Indians in the field of public health.

The changing environmental and cultural conditions of American Indian populations point to the need for preventive services. Attempts to modify behavioral practices and environmental conditions must be undertaken by health agencies. Increasing tribal involvement in these health care issues is one important step toward solving these problems. A well-trained pool of Indian professionals also facilitates these efforts.

The MPH programs at Berkeley, Oklahoma, and Hawaii recruit Indian students from all states in the United States. Working cooperatively, we serve as regional centers, each recruiting from areas within their geographic proximity to Indian populations. Our 19 years of experience points to the special need of Indian students, thus confirming the value and need for special recuitment, advocacy and retention programs to increase the number of American Indian graduates in public health. We have worked hard to develop effective programs designed for the American Indian--programs which have proven to be successful in recruitment and retention.

We respectfully request your support of the budget request of $267,000 to continue these training programs at the Schools of Public Health at the Universities of California at Berkeley, Hawaii, and Oklahoma. We thank you for your support over the years and look forward to continuing our three programs.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESS

PAUL PETERSON, MAINE INDIAN EDUCATION

Mr. ATKINS. Maine Indian Education?

Mr. PETERSON. I'm Paul Peterson. Brian Smith couldn't make it. We've got a little different twist here. I'm actually trying to save you some money.

Mr. ATKINS. And you're also east coast. I've been——

Mr. PETERSON. Yes. We have three schools, two serving the Passamaquoddy Tribes in Maine, and one serving the Penobscots near Bangor, Maine. We're funded through the ISEP program. We are also dealing now with the State of Maine in order to receive funding appropriate to meet the school requirements that the State of Maine has put upon us, which this Committee has helped us meet in the last two years by supplemental funding.

As a result of the formulas which the State of Maine is going to be applying to us, they are calculating within their formulas an amount of money that we can receive from the Bureau of Indian Affairs. That number is still under determination at this time through the ISEP direct cost formula. If we receive more than that amount of money, the State will simply reduce our funding.

We see no particular reason to have the State reduce our funding, but the ISEP program has associated other funds. The facilities funding formula now has a utilization adjustment, which refers back to the ISEP student count. The Chapter 1 funds are distributed based on the ISEP student count. Administrative costs are distributed based on direct cost receipts, et cetera.

What we would like to do is to be able to take advantage of the position that the State of Maine has taken in not counting some of our students in the Indian school equalization program, count them as Impact Aid-fundable students, which is a perfectly legitimate, legal thing to do. It is an option that is available to us. We'd like to reduce our claim to the ISEP budget, we'd like to do it without losing the associated funding that comes with the ISEP budget, which the normal facilities and formulas that exist would reduce that. If we lost the other associated funding, any gain that we would have by reducing our ISEP count would be just about dollar for dollar offset by reductions in associated funding.

Mr. ATKINS. We have never done this before. It is an intriguing notion. Let me just suggest that staff will be looking into it, and we'll be talking with BIA to see if it can be done. The one thing we want to be assured of is that we don't get you started on that course and then have people pull it apart and you wind up suffering as a result of that.

Mr. PETERSON. Right. We need to have action on this by the time the ISEP student count is submitted next October, so we have some time to work with on this because at that time we will have to decide which students we claim for funding for the ISEP program, which we don't, and that will determine the funding which we receive and the offset which the State of Maine applies to us.

Mr. ATKINS. Correct. Thank you very much.

Mr. PETERSON. You're welcome.

[The prepared statement of Mr. Peterson follows:]

Maine Indian Education

River Road, Box 412 • Calais, Maine 04619-0412 • Tel. (207) 454-2126
Fax. (207) 454-3772

J. Brian Smith
Superintendent of Schools

March 15, 1990

TO: The Honorable Sidney R. Yates
Chairman
Committee Members
Appropriates Subcommittee on the Interior
B-308 Rayburn House Office Building
Washington, D.C. 20515

FROM: J. Brian Smith
Superintendent
Maine Indian Education
P.O. Box 412
Calais, Maine 04619

RE: Testimony for Interior Appropriations Subcommittee

We wish to thank all those who assisted us in obtaining supplemental funding in recent years. That funding was critical to our ability to meet the ever increasing standards imposed by the State of Maine, which, as you know, because of our municipality status, we are uniquely required to comply with. As a direct result of suggestions made by congressional staff and report language, corrections are being made in the way the State of Maine calculates our state funding. These corrections to Maine funding have already been agreed to in principal with only a few remaining details needing resolution. The resulting funding package will allow us to maintain our programs at levels necessary to benefit our children.

It is the application of these details which now requires us to request a little further Congressional direction to the BIA. We are not however requesting any additional funding. Specifically, under provisions of the Maine Indian Land Claims Act and the State of Maine Implementing law, Maine will determine the maximum amount of BIA School Operation or ISEP funding which we can receive without a state penalty. If we receive more than that amount, the State will offset (or reduce) state funding against the direct costs of the ISEP grant, on a dollar for dollar basis. After sufficient students are counted to generate the maximum amount allowed by Maine, counting additional students for BIA funding results in no additional direct funding for us; i.e., what the BIA provides, the State will deduct.

It is critical to understand that there is a substantial contribution required from the BIA ISEP grant in order for us to receive funding under Maine Law. This is roughly equal to the local shares required both directly and indirectly by Maine law. Continued BIA funding is without doubt essential to the education of the Indian children in Maine. Furthermore, funding through ISEP program is accompanied by funding for support grants including Chapter I, Facilities O & M, Administrative Costs, and Substance Abuse Prevention. If we could adjust our BIA count without penalizing the funding of these other supporting programs, we would be able to save the BIA monies as well as to enhance our revenue position relative to accessing funds from the State of Maine.

We are considering counting some of the ISEP students (those who generate funding which would be offset by the State of Maine) for funding under Impact Aid. There will then be only a limited offset by Maine for those students as Impact Aid law limits a states right to reduce funding as a result of Impact Aid receipts (as opposed to BIA ISEP funds which are significantly offset). What we would like to do for school operations funding is to reduce the BIA student count in favor of Impact Aid. This of course will result in a benefit to the other Indian schools receiving BIA funding as ISEP dollars for students that we don't count could and would be distributed to other Bureau and contract schools. The amount of money this will involve has yet to be determined, but it will be significant to the benefit of the BIA.

We too could ultimately benefit during this process. However, this may not be possible if we lose funding for services which support the ISEP program. We need to be protected from the loss of funding for other programs referenced above (Chapter 1, Facilities O & M, etc.), which support school operations grants. Without some congressional direction, the BIA will not allow us to count students for the other support programs if we are not getting ISEP dollars for those students.

If we follow normal BIA practices, we would lose funding in the Facilities Program, the Chapter I Program, the Special Education Program, Substance Abuse Prevention and we would lose Administrative cost dollars. These effects would result from reduced student counts under ISEP affecting the formulas upon which the other funding is determined. In order to affect any benefit to either us or the Bureau of Indian Affairs by adjusting our allocation, we need to have funding for supporting programs protected for those students not counted under ISEP. This could be accomplished by allowing us to include all of our students in distribution of funding under the Chapter I and Facilities formula, establishing our right to include all served special education

students under the special education (P.L. 94-142) application and requiring that we receive administrative costs based on total direct dollars even for those students for whom we are not requesting ISEP dollars. In other words, our total students count regardless of whether the primary funding source for that student is ISEP or Impact Aid.

We desire the right to have some of our enrolled students funded under Impact Aid as a matter of (our) choice, and have those students fully counted in establishing our funding, to be provided under these supplemental contracted programs exclusive of school operations. We request direction in the form of Report and/or bill language from the Appropriations Committee to the BIA allowing us this option so that we can retain funding for supporting contracts while at the same time saving the BIA money under ISEP. If the Congress could assist us in this regard, we would have sufficient funds from federal and state programs (without any so called "double dipping" involved) to operate our programs in a manner that would most benefit our Indian students.

We would be pleased to answer any questions you may have either at today's hearing or in follow-up conversations or correspondence.

THURSDAY, MARCH 15, 1990.

BUREAU OF INDIAN AFFAIRS

WITNESSES

PAT NORMAN, CHUGACH REGIONAL RESOURCES COMMISSION
LEN VINING

Mr. ATKINS. Chugach Regional Resources Commission, last but not least. All the way from Alaska. You came the furthest and had to wait the longest, but you have the most extensive materials for us.

Mr. NORMAN. Yes, we're from Alaska. Thanks for the opportunity to come speak on our proposal here.

My name is Pat Norman. I'm a member on Chugach's Regional Resources Commission. I'm also president for my Port Graham village corporation, and we're involved in this process. I also serve on the Port Graham village council.

Len Vining is a fisheries biologist. He works as a natural resource planner for our resource commission. The resource commission is requesting $625,000 for fisheries and natural resource development in Alaska; $400,000 of this for the Chugach region for fisheries and mariculture development; $165,000 is for fisheries assessment in the 11 other regions in the State; and $60,000 is for the Alaska Sea Otter Commission.

Currently, BIA does not have funds for fisheries and hatchery developments in Alaska as it does in the lower 48 here, so this proposal is somewhat new to them.

The Chugach Regional Resources Commission represents seven communities in the Chugach region on natural resource issues. Our purpose is our subsistence protection, promoting environmentally-sound development in the region, and provide for native participation in that regard. Also, we provide for education and training in the region.

There are 12 regions in Alaska that were established by our last Canadian Claims Settlement Act. Our request emphasizes the Chugach region but also makes requests on behalf of the 11 other regions in the State. Our first request is for the Chugach region for $400,000. This will provide for a shellfish and mariculture program in the Prince William Sound area of our region. The second part of that will be enhancement of the salmon run. The third is for my village, Port Graham, a pink salmon hatchery, which is the new one for BIA. It also provides training in hatchery technology and mariculture.

Mr. ATKINS. Where would that training take place?

Mr. VINING. There is no location identified yet. Part of this training is to establish a program. There are other training programs that are locally—what this would do is allow us to see what else has already been done in other regions, but there is a geographic problem in there. We are too far away to take advantage of the other locations.

Mr. NORMAN. The second request is the $165,000 on behalf of the other native regions. That will be about $15,000 per region. This will allow them the opportunity to evaluate the fisheries develop-

ment and fisheries potential in their areas. The third request is for the Alaska Sea Otter Commission. This commission involved six coastal native communities in the State of Alaska, not just the Chugach region. It promotes native participation in sea otter issues. A couple pf goals are the memorandum of agreement with the State and Federal Government on sea otter management, which is like the Walrus Commission and polar bear——

Mr. ATKINS. What kinds of things will the native communities do in terms of the sea otter management?

Mr. NORMAN. Well, the Regional Resource Commission is the one that started out in the Alaska Sea Otter Commission. From a village point of view, we would target harvest levels, when you could hunt sea otter, when you couldn't, help out with studies on counting so you don't overharvest.

Mr. VINING. Could I add a comment to that? The other aspect of this is under the Marine Mammal Protection Act, Alaskan natives are the only group that can harvest marine mammals. There is an exemption in there. By involving the native contingency in the harvest, they can collect a broad base data that can contribute to better management.

Mr. NORMAN. The Chugach region—in your packet there, there is a map on the side. It is located in south-central Alaska. It is marked out in white on your map. It is a coastal marine habitat rich in fish and wildlife resources. As you can see from the map, it shows the path of the oil spill that happened on March 24, 1989. This spill affected major portions of our regional corporation and village corporation land selections, which resulted in subsistence resources being lost, especially on the shellfish side, for both my area and in the Prince William Sound.

The other area that was severely affected was the commercial fishing side. My village corporation owns a cannery, and as a result of the spill there were areas that we closed down, so they ended up with a loss running the cannery. Now we can't lease it out this year because of that.

Subsistence hunting and fishing is the basis of our village economy. For example, the average U.S. household consumes about 222 pounds of meat, poultry, and fish each year, compared to fish, ducks, and wild game for our villages. Port Graham consumes 251 pounds per person per year. English Bay, 303; Tatitlek at 361; and Chenega Bay at 559, so we really rely on the subsistence cycle, even though we're in the economy.

For our overall area, we have a poor economy, high unemployment because of the short commercial fishing season. It is three months out of the year. The rest of the months you are not working or going somewhere else to look for work. Steady jobs are Government-subsidized, such as the school, post office, and health aid program in the villages.

Commercial fishing, as I said, is about three to four months out of the year. It is not a year-round operation. This program is needed to provide a sustainable resource base for our whole area. It will provide jobs and increase individual skills in our villages, provide subsistence food as well as cash income from increased commercial harvest.

The overall goal is to reduce our dependency on Government programs. If we can become self-sustaining, then this just reduces us having to come back and ask for more money.

In closing, we're very optimistic about this program that we have presented to you. We believe it is possible to build a strong self-sufficient economy in our villages.

Mr. ATKINS. This Subcommittee shares that same belief. We certainly will be sympathetic to your request to having the tools to build that economic base. Let me just thank you for very excellent materials and testimony that you provided to us and also thank you for your patience.

Mr. NORMAN. It's my first time out here, so it was fun to sit and listen.

Mr. ATKINS. Is this your first time in Washington?

Mr. NORMAN. Yes.

Mr. ATKINS. Great.

Mr. VINING. For both of us.

Mr. ATKINS. This year is my first year chairing these hearings, so we're both rookies. [Laughter.]

Thank you very much and enjoy your stay here.

Mr. NORMAN. Okay.

[The prepared statement of Mr. Norman follows:]

APPROPRIATION REQUEST
FOR
FISHERIES DEVELOPMENT
IN THE
ALASKA NATIVE REGIONS
WITH EMPHASIS ON THE
CHUGACH REGION

WRITTEN TESTIMONY

Submitted by:

Chugach Regional Resources Commission
3300 C Street
Anchorage, Alaska 99503

telephone (907) 562-4155
fax (907) 563-2891

March 15,1990

TESTIMONY TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON THE
DEPARTMENT OF INTERIOR AND RELATED AGENCIES
by the
Chugach Regional Resources Commission
March 15, 1990

INTRODUCTION:
The Chugach Regional Resources Commission (CRRC) is a Native tribal consortium concerned with natural resource issues in the Chugach Region in southcentral Alaska. Its seven member board has one representative from each of the seven Native communities in the region. These include the villages of Port Graham, English Bay, Chenega, Tatitlek and Eyak, and the Native Associations from the cities of Seward and Valdez.

We respectfully request that funding be provided in FY 91 in the amount of $625,000 for natural resource development in Alaska. Four hundred thousand dollars ($400,000) is requested for fisheries development in the Chugach Region, $165,000 for a preliminary analysis of the fisheries potential in the other 11 Native regions in Alaska, and $60,000 for the Alaska Sea Otter Commission. The requested funding would be provided through the Bureau of Indian Affairs Wildlife and Parks, Adult Vocational Training and Other Rights Protection programs respectively.

For millennia the Natives of the Chugach region, as well as the other regions of Alaska, have depended on the local resources to sustain them. Their use of these resources really hasn't changed much over the years; a heavy dependence on subsistence, and some to convert to cash or use as barter. During the later half of the twentieth century Alaska has undergone dramatic and rapid change. These changes have put the Native use of the resources more in competition with others who use these resources, and more at risk. The Exxon Valdez oil spill, and all the damage it brought, has amply demonstrated the fragility of the relationship between the Native villager and use of the resource. This one incident has put the way of life in the Native villages of the Chugach Region in jeopardy. To reduce the degree of risk and provide better insulation against the actions of others, a more contemporary approach to using the resource will need to be integrated into the economy and lifestyle of the Native villagers.

Over the past two decades government projects and programs aimed at Native villages have definitely improved economic conditions and raised living standards. However, they have not triggered the broad-based, permanent economic development that is needed to give the villages a self sufficient economic base. This program is designed to do that.

In the villages of the Chugach Region fish is the predominant resource and offers excellent opportunities for economic development. The main intent of this program is to employ

salmon enhancement and shellfish mariculture techniques to produce salmon and shellfish in areas of strategic importance to the Native villages. These salmon and shellfish will form the basic raw material upon which a self sustaining economy in the villages can be built. A part of this program will concentrate on providing training and education to give the Native villagers the necessary skills that will allow them to qualify for various jobs that will be created. Another aspect of the program will analyze Physical plant needs for processing and marketing the salmon and shellfish will be analyzed and recommendations made on the best approach for upgrading or construction.

Although there is a very successful salmon enhancement program in Alaska, and shellfish mariculture technology is well understood, there has never been an attempt anywhere in the state to use these technologies to develop a vertically integrated business. The Native villages in the Chugach Region are ideally suited for such an attempt. There appears to be no other approach that has the potential for creating a self sustaining economy in the villages as this does.

PROGRAM ELEMENTS FOR FY 91:

The following is a budget breakdown and brief explanation of the request for the Chugach Region and a brief explanation of the requests for the Alaska Sea Otter Commission and fisheries analysis in the other Native regions:

I. Chugach Region Request:

Shellfish Mariculture in Prince William Sound Native Villages $150,000

Hire a mariculture expert to determine the potential for shellfish mariculture development in the Chenega Bay, Tatitlek and Eyak villages,set up test culture projects in each village ,and initiate a training program for prospective shellfish growers.

English Bay Sockeye Salmon Enhancement $135,000

The English Bay sockeye run is badly depleted. This project, conducted in cooperation with the Alaska Department of Fish and Game, will develop the best approach to increasing the run and initiate that approach. The potential for a sockeye hatchery at English Bay will also be investigated.

Port Graham Pink Salmon Hatchery $65,000

These funds will be combined with funds from an anticipated $66,000 Administration of Native Americans (ANA) grant to determine the potential for a pink salmon hatchery at Port Graham, and to construct a small hatchery (5 million egg capacity) to test that potential and train local villagers as hatchery technicians. An analysis of the Port Graham cannery will also be conducted to determine what upgrading will be

needed to allow it to operate again and take advantage of the newly created hatchery returns.

Sockeye Smolt and/or Oyster Spat Facility in Seward $15,000

Analyze the potential and benefits of constructing a sockeye smolt and/or oyster spat facility utilizing the waste heat and excess power from the world class lumber mill that Chugach Alaska Corporation owns and operates in Seward.

Training and Education $35,000

This project will catalog the various jobs the program will create, assess the skill levels of the villagers, determine what type of training will be needed and develop a training curriculum. This curriculum will be integrated with other training programs where practical. Unless the villagers have the necessary skills to qualify for these jobs, a lot of the benefits of this program will be lost.

II. Sea Otter Commission Request: $60,000

Funds will be used to here a part time staff person to coordinate Commission meetings, oversee the development of a sea otter management plan, and work with the State of Alaska and the U.S. Fish and Wildlife Service to develop a memorandum of agreement that defines respective roles and relationships.

The six Native regions that comprise the Commission wish to develop a management plan that allows for continued use of sea otters in areas where their populations are healthy. Fifteen thousand dollars ($15,000) has been secured from private sources to initiate this process, and an additional $25,000 is being sought from the Alaska legislature

III. Request for Preliminary Analyses of Fisheries Potentials in the Eleven Other Native Regions in Alaska: $165,000

There are fisheries development opportunities in all the Native regions. These funds ($15,000 per region) will pay for a preliminary review of these opportunities with recommendations on how to develop them. Fisheries development has the unique ability of being applied at the village level and benefit a large number of village residents.

BENEFITS:

* Development of a Long Term Economic Base

The salmon enhancement and shellfish mariculture projects will become self supporting beyond the development stage. The development stage will last

between three and eight years depending on the project. Revenues from projects with short development time can be used to help pay for projects that take longer to develop. All these projects will produce the raw material on which to base a long term fisheries economy in the villages.

- Local Control

  The villages and village corporations will have control over the type of enhancement or mariculture development that will occur in each village as well as the level of economic development.

- Attract Private Investment

  The production of salmon and shellfish will attract investment interest from the service sector and the processing and marketing sectors. There will be opportunities for joint ventures between the private sector and the Native villages or their corporations.

- Self Sufficiency

  Because this program will be able to support itself beyond the development stage it will allow the villages to become self sufficient and reduce the need of government programs for their material support.

- Employable Skills

  The training and work experience will derived from this program will provide the villagers with employable skills that will be needed by local businesses and elsewhere.

- Jobs

  This program will result in the creation of a number of jobs in several sectors. There will be long term jobs in salmon enhancement and shellfish culture. There will be increased revenues and jobs from commercial fishing. There will be jobs in fish processing and marketing as well as in related service fields such as transport and supply.

- Income and Investment Opportunities

  There will be income opportunities from rents and royalties on lands and other resources on which enhancement projects and processing plants are based. There will be investment opportunities in shellfish mariculture, commercial fishing, processing and marketing.

- Sustained Management of Sea Otters in Alaska

  A sea otter management plan will be implemented and the opportunity for controlled use of sea otters will be maintained.

Mr. ATKINS. For those who could not appear before the Subcommittee today, their statements will be made part of the record.

[Statements follow:]

5

HUALAPAI TRIBAL COUNCIL

P.O. BOX 168 • PEACH SPRINGS, ARIZONA 86434 • 602 769 2216

EXECUTIVE SUMMARY

WILDLIFE MANAGEMENT PROGRAM

We are requesting an earmark in the fiscal year 1991 Bureau of Indian Affairs Budget in the amount of $291,508.00. Followed by $250,000.00 fiscal year 1992 and $225,000.00 fiscal year 1993. The total three year program would cost $766,508.00.

The bulk of the funds, approximately $191,508.00, will be used to implement the Wildlife Management Program. The improvement of Desert Bighorn Sheep habitat is of major concern to our people. In July of 1989 our Tribal Council passed the Wild Horse, Mule and Burro 10 year Mangement Plan (attachment A) which will, if properly funded, inhance Desert Bighorn Sheep habitat by the removal of these animals and the improvement of existing water apron catchments and the creation of new ones. The only adequate way to survey our Desert Bighorn Sheep is by helicopter and it currently costs $375.00 per hour. The total cost of the biannual Sheep survey is $13,800.00. We would also hope to survey our Elk in the winter and our antelope in the spring at a cost of $13,800.00.

In a March 22, 1989 meeting with B.I.A. Law Enforcement we requested two Conservation Enforcement Officers to patrol our Reservation, due to manpower and funding constraints the B.I.A. could not provide these needed officers. The total cost for two officers, vehicles and equipment would be approximately $65,000.00 the first year.

The Hualapai Tribe has nearly one million acres of the most beautiful land for outdoor recreation in the United States and yet not one single Park. For a one time allocation of $100,000.00 we propose to build such a Park. (attachment B).

Per capita consumption of fish in the United States is increasing, we would therefore, like to conduct a feasibility study on the reservation for a Aquaculture Facility. (attachment C).

HUALAPAI TRIBAL COUNCIL

P.O. BOX 179 • PEACH SPRINGS, ARIZONA 86434 • 602 769 2216

A large portion of the fiscal year 1992 funds will be used to build the proposed Aquaculture Facility and to continue the ongoing Wildlife Management Program. Some of the fiscal 1993 funds will be used to develope a Park in the Diamond Creek area and continue the ongoing Wildlife Management Program.

Attachment D is a fiscal 1991 budget.
Attachment E is the 1989 Annual Report.

PORT GAMBLE KLALLAM TRIBE
P.O. BOX 280
KINGSTON, WASHINGTON 98346

THE TESTIMONY OF MS MARIE SULLIVAN, CHAIRPERSON
PORT GAMBLE KLALLAM TRIBE
PAGE (-1-)

CHAIRMAN YATES

HONORABLE MEMBERS OF THE COMMITTEE

STAFF MEMBERS OF THE COMMITTEE

LADIES AND GENTLEMEN

MY NAME IS MARIE SULLIVAN AND I AM THE CHAIRPERSON OF THE PORT GAMBLE KLALLAM TRIBAL COUNCIL.

I WISH TO THANK CHAIRMAN YATES AND THE COMMITTEE FOR THIS OPPORTUNITY TO PRESENT TESTIMONY.

I SUBMIT TESTIMONY TO YOU TODAY TO BRING TO YOUR ATTENTION THE PRESSING NEED FOR ADEQUATE FUNDING FOR THE LAW ENFORCEMENT DEPARTMENT OF THE PORT GAMBLE KLALLAM TRIBE.

OUR FUNDING THROUGH THE BIA FOR LAW ENFORCEMENT HAS DRAMATICALLY DECREASED OVER THE PAST DECADE (TO $69,600 IN 1989). THIS LEVEL OF FUNDING BARELY ALLOWS FOR 1 FULL TIME AND 1 PART-TIME OFFICER. THE CORRESPONDING CRIME INCREASE HAS BEEN EQUALLY DRAMATIC (SINCE 1985 TOTAL INCIDENTS IN THE COMMUNITY HAVE RISEN OVER 421%, MUCH OF THIS CAUSED BY NON-INDIAN

VISITORS TO THE COMMUNITY).

THE PORT GAMBLE RESERVATION IS A VERY UNIQUE RESERVATION AS 100% OF THE LAND BASE IS IN TRUST FOR THE TRIBE, APPROXIMATELY 90% OF THE RESIDENTS ON THE RESERVATION ARE KLALLAM MEMBERS, AND WE HAVE NEVER VOTED TO ACCEPT JURISDICTIONAL SHARING WITH THE STATE OF WASHINGTON UNDER PUBLIC LAW 280.

THE GROWTH OF THE NORTH END OF KITSAP COUNTY WHERE OUR RESERVATION IS SITUATED HAS BEEN EXPLOSIVE. THE CONSTRUCTION OF THE BANGOR TRIDENT SUBMARINE BASE, THE GROWTH OF THE BOEING 747 PRODUCTION FACILITY DIRECTLY ACROSS PUGET SOUND FROM OUR RESERVATION, AND THE GENERAL POPULATION GROWTH OF THE PUGET SOUND AREA HAVE ALL CONTRIBUTED TO OUR LAW ENFORCEMENT PROBLEMS. WE EXPECT THIS POPULATION GROWTH PRESSURE TO INCREASE. THE ECONOMISTS FOR THE PUGET SOUND COUNCIL OF GOVERNMENTS EXPECT KITSAP COUNTY TO GROW BY 38% OVER THE NEXT TEN YEARS FROM 185,000 TO 255,000 BY THE YEAR 2000.

WHILE WE RECOGNIZE ALL LAW ENFORCEMENT AGENCIES ARE UNDER FUNDED WE HAVE A UNIQUE PROBLEM IN THAT THE LOCAL SHERIFFS

DEPARTMENT HAS REFUSED IN WRITING TO ASSIST OUR OFFICERS OR INITIATE INVESTIGATION WHEN RESERVATION COMMUNITY MEMBERS ARE INVOLVED, AND THE BUREAU OF INDIAN AFFAIRS HAS ONLY 3 OFFICERS FOR THE ENTIRE 2000 SQ MI. PUGET SOUND AREA. THIS HAS MADE OUR RESERVATION A HAVEN FOR CRIME AND CRIMINAL ACTIVITY.

THE SAFETY AND COMMUNITY STABILITY PROVIDED BY ADEQUATE LAWS AND ENFORCEMENT ARE SEVERELY LACKING AT PORT GAMBLE RESERVATION AT THE PRESENT FUNDING LEVEL. I HOPE THE ACCOMPANYING DOCUMENTS WILL GRAPHICALLY PORTRAY THE NEED THAT I HAVE OUTLINED HERE TODAY.

THANK YOU MR CHAIRMAN FOR THIS OPPORTUNITY TO TESTIFY

Alaska Native Health Board

1345 RUDAKOF CIRCLE, SUITE 206 ANCHORAGE, ALASKA 99508 PHONE (907) 337-0028 FAX (907) 333-2001

March 21, 1990

The Honorable Sidney R. Yates
U.S. House of Representatives
2234 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Yates:

I write to offer the written testimony of the Alaska Native Health Board on the appropriations for fiscal year 1991 relative to the Indian Health Service. I would appreciate your making this letter part of the record of your Committee's recent hearings on that appropriation.

Below I address several specific issues of vital importance to the 80,000 Alaska Native people represented by ANHB. I am directing our staff and legal-counsel to provide you and your staff with backup information on each of these issues.

1. Community Health Aide Program (CHAP)

The CHAP program forms the heart of the health care delivery system in the 200 villages in Alaska, encompassing a largely roadless area comparable in size to the contiguous states west of the Rocky Mountains. Historically this program has been devastatingly under-funded, leading to high turnover and threatening the quality of care provided to Alaska Native people.

Due to the essential role of this program as the linchpin for all health care services in villages in Alaska, Congress has made the commitment to increase funding for the CHAP until it is fully funded. Although increases were appropriated in each of the past two years, an additional $9.24 million is still needed to fulfill Congress' commitment and, in so doing, correct the longstanding funding shortage for this vital program.

2. Patient Travel

The Alaska Native Medical Center (ANMC) in Anchorage is the central in-patient, surgical, and acute care facility for all of Alaska. For virtually all of our Native villages, the only way for patients to get to the ANMC is by air carrier and frequently

by Medivac. The expense here is considerable. To give you an example, ordinary airfare for one seat on a flight from St. Paul Island to Anchorage to transport a pregnant Aleut mother in risk of premature labor is about $800. If a stretcher is needed, taking up six seats, the cost becomes astronomical. To understand the full dimension of the problem, one must also consider the cost of transporting village patients to regional centers and transporting patients out of state for care unavailable in Alaska.

In Alaska the Indian health budget is suffering terribly under the strain of increased patient travel costs. The Alaska Native Health Board presently has underway a study to identify with precision the present need in this area and the degree to which either program funds are being diverted to cover patient travel costs or patients are not being transported at all and thus not receiving any care for fiscal reasons. Our preliminary review indicates that the additional funding need in this area is in the range of $4.2 million.

3. Federal Tort Claims Act

The issue of federal responsibility for tort claims against Indian contractors was addressed in the 1987 amendments to the Indian Self-Determination Act. Although medical malpractice claims were addressed at that time through provision of federal tort claims coverage, other claims were not. Instead, such claims were to be covered by a policy of insurance to be purchased by the Secretary of the Interior.

The Secretary never purchased the insurance. In light of this failure, and given Congress' approach on medical claims, the Appropriation Act for fiscal year 1990 provided that during the current fiscal year the Federal Tort Claims Act would apply to general liability claims. In the meantime, the Secretary was to study the insurance alternative with funds appropriated for that purpose.

The Secretary has not done the requisite study. For this reason, and because experience under the 1987 Self-Determination Act amendments demonstrates the wisdom (financially and policy-wise) of using the FTCA in lieu of insurance, we urge the Committee to readopt the FY 1990 Appropriations Act language in FY 1991, but to amend it so that it becomes a permanent amendment to the Indian Self-Determination Act.

4. Health Services Priority System

The Indian Health Service has recently completed development of HSPS. This is a methodology which IHS will now use to allocate the fiscal year 1990 Indian Health Care Improvement Act fund, as well as other funds. The Alaska Native Health Board is in very strong opposition, together with tribes in many other parts of the country, to the HSPS methodology.

Procedurally, they are concerned the methodology has not been developed using the formal notice and comment period. Substantively, they believe the methodology wholly fails to direct funds to the neediest areas. Doing so would require that more funds go to areas where, proportionately, health status is poorest, health care is least accessible and the costs of providing health care is highest. The new HSPS fails to do so, and instead directs funds to areas of highest Indian population (with only minor adjustment for the other factors noted). We urge the Committee to take action to block the implementation of the HSPS in FY 91 until Congress has had an opportunity to specifically investigate this process through oversight hearing, and IHS has formally issued HSPS for notice and comment.

I will be directing our staff and legal counsel to provide you with additional information on these issues. In the meantime, thank you for your consideration of these four urgent issues as part of the FY 1990 appropriations process.

Sincerely,

John Jemewouk
Chairman
Alaska Native Health Board, Inc.

Testimony of Jude C. Stensgar, Chairman Colville Business Council before the House Appropriations Subcommittee on Interior and Related Agencies on the FY '91 Budget for the Bureau of Indian Affairs and Indian Health Service.

Mr. Chairman and Members of the Committee:

I want to thank you for the opportunity to testify before you and respectfully request your consideration of our requests for issues to be included in the Interior Appropriations bill.

We direct the Committee's attentions to the following areas of concern to us.

First, we are requesting an increase of $191,900.00 in the Colville law enforcement service FY 90 contract. These funds should be added to the base funding in future years to insure a level of service consistent with state and county efforts in the surrounding jurisdictions.

We justify our request on the January 12, 1990 order of the Colville Tribal Court closing down our tribal jail due to its deteriorating, uninhabitable condition. This was as a result of a civil suit filed by inmates claiming that incarceration under those conditions was cruel and inhumane and violates their civil rights.

The facility in question was built in 1960.

The added costs stem from having to transport and house tribal prisoners in nearby county jails.

For the 12 months prior to closure the average inmate population was 15.87 serving a term of 30.39 days for a facility designed to house 7 or 8 prisoners.

In FY 89 the Tribes spent $26,000.00 for a new roof and repairs to the plumbing, heating/ventilation system to achieve federal compliance. To no avail.

The tribal police has had to furlough some of its jailers, cooks and other personnel. Presently there are three vacancies unfilled: the assistant police chief, 1 officer, and 1 jailer. The salaries fringe, equipment, and associated costs savings are used to pay the added transportation and housing costs for the balance of FY 90.

This situation can only be exacerbated with the on-coming Pow-wow season and tourism activities.

Our second concern deals with funding from IHS for an environmental review and site evaluation for reservation solid waste planning and construction. We are asking for $834,701.38 in engineering studies, design, and administration under authority contained in PL 86-121 for special projects in Indian Health Service General Sanitation Facilities activities.

The Tribes does have one of the few successful tribally operated solid waste programs in the country. It has had a comprehensive trash collection service since 1981 and has closed 21 old open-pit dump sites. In 1989 it has spent $206,615 on solid-waste management. One of the county landfills is scheduled to close in 1991 increasing the travel and operation costs for solid waste disposal.

A 1986 update of our solid waste management plan recommended

1. a reservation-based landfill site to decrease hauling costs and to eliminate dumping fees

2. a cooperative effort with county government to operate a sanitary landfill;

3. solicitation of non-reservation based users to generate income.

A recent survey indicates that 95% of the reservation residents would subscribe to a tribal solid-waste collection programs; 60% favor a tribal solid waste collection service with solid waste disposal on the reservation.

Okanogan County Commissioners expressed an urgent interest in a tribal reservation landfill. The adjoining Ferry and Grant counties are interested in using a tribally developed landfill.

We justify our request on the basis of the enormity of costs associated with an EIS and design and construction of a facility to meet EPA standards. Total lifetime costs are estimated at $27.7 million. Initial construction estimates were provided by the IHS District Engineer's Office. We based our request at 10% of cost for this pre-construction phase.

Our third issue concerns the BIA's forest Development Program. We are asking support for an add-on of $900,000.00 in the Colville Tribal Forestry Development Program.

The current needs are estimated at an annual $2,100,000; our available funding is $1,200,000. ($800,00 forest management deductions plus $400,000 in add-ons).

FY 90 forest development programs contracted by the tribe were cut originally 6% under Gramm-Rudman; but suffered only a 1.4% reduction which was restored to all forestry divisions except for forest development. This bodes ill for 638 contracting in forestry: we show a shortfall of $186,000 this year alone and this will grow to 900,000 in 2 years if needs are unmet now.

The backlog prepared by BIA were initially faulty and the shortfalls are more serious than they project. The 1975 figures were derived from a three-day compilation based upon best estimates only. Prior

to our contracting the BIA deleted 3100 acres of reforestation backlog which it claimed was regenerating naturally. Our review shows no correlation between claimed regeneration and original backlog acreage.

Fourthly, we are concerned with cuts in FY 91 for BIA Water Resource management, Planning and Development.

We are asking support for a total of $222,000 for water resource needs. This is a bare-bones current operations budget with a breakout of $42,000.00 in Rights Protection, $155,000 in Water Quality Monitoring, and $25,000 to assist our Lake Roosevelt Inter-Governmental Negotiations and Monitoring.

The President's Budget proposed a cut of $2,375,000 down 25.7% from FY 90. The Portland Area Office had a $533,000 shortfall in FY 90: which resulted in elimination of the Lake Roosevelt water quality monitoring program.

The Colville Reservation is bounded on three sides by the Columbia and Okanogan Rivers. We look to these water resources for future economic development in tourism and fisheries operations and need to maintain a safe, healthy environment for our clients and customers.

And finally, Mr. Chairman, we urge upon the Committee consideration of BIA appropriation requests of several programs some of which we operate under 638 contracts.

We request resources sufficient to meet our projected annual funding needs of $350,000 for Colville Confederated Tribes Child Welfare Services, of which a limit of $75,000 may be through BIA grants. Available funding in Portland Area has been cut to $200,000 to allow for a range of 1 to 4 grants for an estimated 10 to 30 applicants. This is totally unrealistic. We recommend elimination of allocations based on competitive applications and favor set-asides over a time specified.

We are asking for $90,000.00 for the remainder of FY 90 for our General Assistance Program, (GA). Prior to GA, our Social Services program had three full-time caseworkers and one part-time caseworker to handle client caseload. We added two caseworkers to meet client needs:

in 1988, there were 38 clients;
in 1989, this caseload grew to 264
as of February, 1990, we have 181 clients.

The new caseload totals 531, and we have 5 caseworkers to do the job. This does not include the expected applications for retroactive general assistance payments, and our best guess is 300-500 applicants. We project that our administration dollars will run out about June or July, 1990. No positions will be funded because the

contract will have exhausted the administration dollars. The BIA Agency does not have staff to do the job if we should retrocede this program.

Mr. Chairman, that concludes our testimony. Again, we appreciate the opportunity to urge consideration of our needs. We stand ready to answer any questions you or your committee may have. Thank you.

Jude C. Stenegar, Chairman
Colville Business Council

REFERENCE

COEUR D'ALENE TRIBE OF IDAHO

TRIBAL HEADQUARTERS • C/A SUBAGENCY
PLUMMER, IDAHO 83851
(208) 274-3101

March 12, 1990

Chairman Sidney Yates
Congressman
B-308 Rayburn
Washington, D.C. 20515

Congressman Yates:

I am writing to you, as the Chairman of the Coeur d Alene Tribe, to inform you of a serious problem that threatens the forestry program on this reservation. The attached document reviews this problem in depth. I hope that this tribe can count on you and your efforts at resolving this problem during this budget process.

We would appreciate you helping to voice our concerns during the congressional review of the Fiscal Year 1991 budget. As can be seen in the attached document, the lack of funding for forestry activities carried out by the Bureau of Indian Affairs on this reservation is approaching a critical level. The Coeur d Alene Tribe requests an increase in our Bureau of Indian Affairs Forestry budget to $267,400.00. This would alleviate the inadequacies that have occurred in the previous years.

I hope you will help the Coeur d Alene Tribe in this effort to restore the funding for the activities guaranteed by the U.S. Government in its Executive Order of creation.

Sincerely,

Ernest L. Stensgar, Chairman
Coeur d Alene Tribe of Idaho

cc: Tribal Forestry
File

Coeur d'Alene Indian Reservation

Forest Management Program

Current Program

Since the late 1970's the Coeur d'Alene Tribe's Forests have been managed by the Bureau of Indian Affairs and its own Tribal Forestry Department. This dual management has worked very well and currently, both departments continue to provide all the necessary forest management activities with no problems.

In recent years, the Tribe has continued to increase its investments in its Tribal Forestry Department while the Bureau has suffered because of budget reductions. Due to these budget reductions, in order for the Bureau of Indian Affairs to retain its current staffing, forestry personnel have been detailed to firefighting activities during the summer months. This has caused a direct reduction in services to the Coeur d'Alene Tribe.

In fiscal year 1989, no allotment timber was sold. This is a direct result of reduced budgets. To emphasis the serious nature of this, at one point during the summer of 1989, there was only 1 (one) BIA staff person in the forestry office because the rest were on fire duty. This has had a large impact on the individual Indian landowners as well as the tribe overall. The above mentioned timber, that was not sold, would have generated income of over $500,000 to the allotment owners. The tribes efforts in manpower and funding has eased this dilemma by hiring 2 (two) individuals at a cost of $50,000 per year. This money comes from tribal revenues that could be used in other areas. These individuals have helped to pick up the lack of work production that has been evident in the Bureau of Indian Affairs forestry work.

For fiscal year 1990 the BIA forestry program figures to have a budget shortfall of $48,300. In order to cover this shortfall, the following alternatives have been proposed by BIA Forestry:

A. RIF or find alternate funding for 3 (three) positions.
B. Allow staff on wildfires.
C. Detail staff to other agencies.
D. Reduce travel and training expenses.
E. Turn in one GSA vehicle.

This has a direct, adverse impact on the Coeur d'Alene Tribe due to reduction in services.

This increased investment, by the Tribe, and reduction in Bureau of Indian Affairs services has brought to the surface a serious question. This question is: What is the role of the Bureau to manage the trust forest lands as guaranteed in its Executive Order?

The Coeur d'Alene Tribe's position is that it is the Bureau's Trust responsibility to manage the Indian forest lands. This means the reduction in Bureau of Indian Affairs funding and corresponding reduction in services to the Tribe is seen as a compromise of the Bureau's Trust responsibility. This is not acceptable to the Coeur d Alene Tribe.

Future Direction

For fiscal year 1991, a BIA forestry budget shortfall of $60,000 is expected. Because of this, a reduction in staff from 8 (eight) employees to 5 (five) is being considered. This includes 2 (two) foresters, which is where the bulk of the timbersale work is completed. In addition, staff would again be dispatched on fires to cover any additional costs. Travel and vehicle costs are already reduced to such low levels that only required travel is considered. The BIA Supervisory Forester has stated that he feels that this 1991 staffing scenario would not be sufficient to complete the work the BIA should be doing in forestry on the Coeur d Alene Reservation.

Several solutions to this problem have been suggested. The first is for the Coeur d Alene Tribe to contract the Bureau portion of the Forestry program under a P.L. 93-638 contract. This idea has several areas of concern, however. It is felt that because of the past investments in its Tribal Forestry program, all of the forestry activities could be contracted with no problems. This is what the idea of Tribal self-determination is all about.

However, self-determination is seen by some members of the Tribe as another form of tribal termination because on numerous occasions within 2-4 years after a tribe has contracted other programs, the contract funds have been cut to the point were it is no longer possible to maintain the contract. The Coeur d Alene Tribe has already experienced this with their police department. The contract is then retroceded back to the Bureau. This would not happen if the Bureau of Indian Affairs had maintained the program.
This is at the heart of the issue: no guarantee of continued funding if a program is contracted. This is the major concern the tribe has with contracting the Bureau of Indian Affairs forestry program.

Another solution is to request reinstatement of past funding levels. This would allow the Bureau of Indian Affairs forestry personnel to be fully funded throughout the year and not have to make up their budget shortfalls by fighting fires. This would allow the Bureau of Indian Affairs to fulfill its trust responsibilities to the Coeur d Alene Tribe by completing work on the Coeur d Alene reservation rather than fighting fires around the country.

Solutions

1. If the tribe were to contract the Bureau of Indian Affairs Branch of Forestry, (or any other branch), guarantee that future funding will not be cut. The current advice of Allotment from congress is $409,500 for the Northern Idaho Agency. (All numbers are pre-Gramm-Rudman-Hollins cuts). The Coeur d Alene portion of this is

$188,000. In order to maintain an adequate program, a minimum of $235,000 is needed for the Coeur d'Alene Reservation. Since three tribes are served by this Agency no reduction in funding to the other tribes would be desired. This translates to a total Advice of Allotment of $456,500 for the Agency. A problem with previous funding was that even if funds were not cut they were eroded away by inflation and salary increase with no corresponding increases in the budget. This would be addressed with this budget request. In the future, adjustments due to salary increases and inflation should occur.

Coeur d'Alene Reservation Forestry Budget of $235,000.00

2. Restore the Bureau of Indian Affairs budget to adequate funding levels to allow the Bureau of Indian Affairs to fulfill its guaranteed trust responsibilities. This would be a funding level of $267,400 for the Coeur d'Alene portion and a total Agency allocation of $488,900. In addition, future adjustments due to salary increases and inflation should occur.

Coeur d'Alene Reservation Forestry Budget of $267,400.00

TESTIMONY OF THE ONEIDA INDIAN NATION OF NEW YORK
SUBMITTED TO
SUBCOMMITTEE ON INTERIOR APPROPRIATIONS
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

The Oneida Indian Nation of New York respectfully submits this testimony regarding the provision of health care services by IHS. Presently, the Oneida Nation of New York receives no health care services from IHS. It is requesting that funds be appropriated in the FY 91 budget to enable the Nation to provide limited direct care and contract health care services to its 1100 members living in upstate New York. It is also requesting that the Congress define the Contract Health Services Delivery Area for Oneida to include the six New York State counties within which Oneida members live.

The Oneida Nation of New York is a federally recognized tribe and a member of the Haudenosaunee (Iroqouis) Confederacy. The Nation does not presently receive IHS services or any other funding for health service and never has received them in the past. Nor are there any IHS services geographically accessible to Oneida members. In 1989, the Nation requested and received funds from IHS for a feasibility study. While that study will not be completed until this Summer, the Nation has concluded that it wishes to receive IHS services begining in FY 91. Our goal for the first year is to obtain a Self-determination contract to provide limited direct care services, including screening, CHR, Alcoholism and dental, (a local dentist donated a full set of dental equipment to the Nation), and contract care. By the second or third year, the Nation plans to build a clinic and provide full direct care outpatient services through a Self-determination contract. One of the reasons this second step is necessary is that many of the limited number of health providers located in our area refuse to accept Medicare or Medicaid. Since they are likely to also refuse to participate in the CHS program, the Nation would like to move as quickly as possible to direct care delivery so its members do not have to travel long distances to find private providers willing to enter into a CHS arrangement.

The Nation is working closely with IHS to develop a budget for the first year's program. Based on IHS formula for start-up operations, which is based strictly on population, the Nation would receive first year funding in the amount of $1,055,000. (This funding level assumes correction of the problem described below regarding the Nation's Contract Health Services Delivery Area, such that the relevant population for direct and contract care is 1100 Oneidas.) The amount does not include funds the Nation would be eligible for from the indirect cost pool or funds for start-up costs. Oneida could be eligible to receive funding from the Indian Health Care Improvement Fund. As a start-up, the Nation would have a high priority rating for such funds. However, given the

uncertainty regarding the funding level and the many demands on this Fund, the Nation requests that the start-up funds for the Nation's health care program be provided through a direct line-item appropriations in the FY 91 Appropriations Act.

The Nation also requests that the Committee correct a problem that has arisen regarding the designation of the Contract Health Services Delivery Area (CHSDA) for Oneida. Under existing IHS regulations, the CHSDA is defined as the county(s) in which the reservation is located or a county which borders on the reservation. This does not fit Oneida because the Nation does not have a reservation in the sense that term is used for CHSDA purposes. In the early 1800's New York State allegedly purchased most of the lands occupied by the Oneidas, and many of our people moved to Wisconsin. By the time this process was completed, only two small tracts of land, one in Madison County and one in Oneida County were left to the Nation. Our members who refused to relocate have continued to live where they always had lived, which covers roughly a six county area. Except for the few who happened to reside on these two small remaining tracts of land, our members found they no longer had ownership of the lands on which they are living. In 1985 the U.S. Supreme Court ruled that the land purchases by New York State were in violation of the Non-Intercourse Act and thus void ab initio. The Oneida Nations of New York is now in negotiations with the State of New York to seek to settle this issue without the need for further litigation. One of the outcome of the settlement is that the New York Oneidas will have a substantial amount of land returned to them, most likely spread throughout the six county area. At that point, the Oneida Nation may have something that is the equivalent of a reservation land base for CHSDA purposes.

Until the settlement is completed and our territories restored to us, the Nation believes it is incorrect to limit our CHDSA to the two counties in which we now happen to own some land. These two tracts are not at the heart of Oneida country, at 77 acres are far too small to serve as the homeland for even a small portion of our tribal membership, and fail to define the geographic boundaries of those who are part of our tribal community. Over half of our membership live in local counties other than Madison and Oneida. They have never been treated differently from those living in Madison and Oneida Counties. It would be impossible to explain to them that they cannot receive CHS services, while members living in Oneida and Madison Counties are eligible. For the Nation to have to discriminate among its members in this manner would be destructive to the fabric of our Nation.

In addition to denying CHS eligibilty to more than half of our membership, the improper designation of our CHSDA has two serious negative impacts on our funding. First, it limits the amount of CHS funding we would receive. Secondly, it also limits the amount of funding we receive for direct care (CHR and dental the first year, and all outpatient care once we establish our own clinic). Under IHS procedures, a tribal member, regardless of where he or she lives, may walk into the IHS facility on his or her reservation and receive direct care. Thus Oneidas in all six counties would be eligible for direct care services. But when IHS calculates the amount of funding we are to receive for direct care, it looks only at the population in our CHSDA, which now is limited to the two counties. Thus, Oneida would end up receiving direct care funding based on less than half of its population while it will be obligated to serve its entire population. In subsequent years IHS might adjust the budget based on utilization rates and available funding. But this means that in the first year, the Oneida health care program will be funded in a way that will guarantee its failure, since it will have only half the money it needs to service its eligible population. This is the wrong way to start off a new health services program. Oneida believes it is unfair and constitutes poor health care management to force it to spend the first year providing inadequate, half-funded services to its membership just because of a bureaucratic barrier.

In sum, it is purely fortuitious that the few acres of land we presently own happen to be in Madison and Oneida County, as it is fortuitious that certain tribal members live in any particular local county. The CHSDA rule may make sense for tribes for whom reservations were established and who were moved onto those reservations. For those tribes, the county in which the reservation is located reasonably could be considered to define their community. Since that does not hold true for Oneida, it would unfair to limit eligibility for CHS services just to those Oneidas who happen to be living in Madison and Oneida Counties or to fund the Oneida Nation for direct and CHS services on the basis of the population just in those two counties. According to IHS this situation cannot be changed administratively but must be done through legislation. We therefore request that language be included in the FY 91 Appropriations Act defining the Oneida Contract Health Service Delivery Area as encompassing the following counties; Madison, Oneida, Onondaga, Herkimer, Chenango, and Cortland Counties. As indicated by the attached letter from the BIA Area Director for the Eastern Area, the BIA recongizes these six counties as Oneida country and supports the designation of these counties as our CHSA.

We appreciate the opportunity to submit this testimony to the Committee.

Trust Services

DRAFT

Memorandum

To: Dean White, Liaison Officer,
New York Field Office

From: Eastern Area Director

Subject: Oneida Nation of Indians Service Area

This is in response to your telephone request for a determination of the service area of the Oneida Nation. A review of available historic documents has produced the following information.

The Oneida Nation currently has a thirty-two (32) acre state reservation located near the town of Oneida in Madison County, New York. Research has revealed that the Oneida Nation historically occupied land between the Onondaga and Mohawk Nations, both of which are members of the Iroquois Confederacy. The attached map, from the book, Iroquois Land Claims, which was edited by Christopher Vecsey and William A. Starna in 1988, shows the Oneida Aboriginal Territory, circa 1600, in relation to the present-day counties of New York State.

This map depicts the area described by the Oneidas to Governor Clinton of New York on September 4, 1784, as reported by Franklin B. Hough in the "Proceedings of the Commissioners of Indian Affairs Appointed by Law for the Extinguishment of Indian Tribes in the State of New York, 1861".

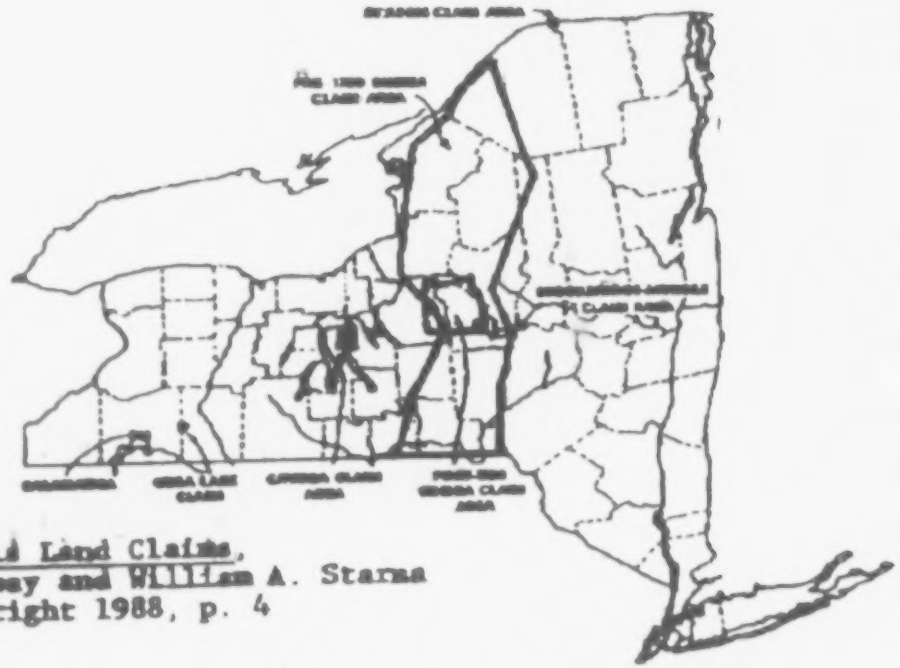
The Oneidas have frequently intermarried with the Onondagas, thus, large numbers of Oneidas are now living in Onondaga County. However, other Oneidas are concentrated in Chenango, Cortland, Madison, and Oneida Counties. Because of this geographical distribution, we support the designation of Chenango, Cortland, Madison, Oneida, and Onondaga, Counties, New York as the service area of the Oneida Nation.

Please take appropriate action to support this determination.

B. B. Ott
Area Director
Eastern Area Office

Attachments

B. B. Ott, surname, chron, Bill Mahelona 01-10-90



Source: Iroquois Land Claims, Christopher Vecsey and William A. Starna (editors), copyright 1988, p. 4

Map 1: Indian land claims in New York State, west area of Saint Lawrence River

Spokane Tribe of Indians

P.O. Box 100 - Wellpinit, WA 99040 - Ph. (509) 258-4581 838-3485

CENTURY OF SURVIVAL
1881 - 1981

TESTIMONY of Bruce Wynne

Vice President

Inland Tribal Consortium

Presented to: House Appropriations Committee Hearings

Chairman: Honorable Sydney Yates

The Omnibus Drug and Alcohol Bill was passed in 1985 allocating funds for drug and alcohol abuse treatment for youth. Subsequent to that seven tribes from the interior region of the Northwest, formed the Inland Tribal Consortium. The Consortium is made up of the Spokane, Kalispel, Kootenai, Coeur d' Alene, Colville, Umatilla, and the Nez Perce Tribes.

The Consortium was formed to establish a Youth Drug and Alcohol Treatment Center in the Eastern Region of the Northwest Area.

There has never been an Alcohol Treatment Center in the Eastern Region of the Northwest area, so in 1987 the Inland Tribal Consortium obtained a special allocation of $600,000.00 which was earmarked for planning and design. The money is still

available although some has been used for establishing the temporary treatment center which is slated to open on the 1st of April. This is quite an accomplishment since it has taken 6 years to get to this point.

The staff from Indian Health Service tell us that it will take at least 2 years before the Program of Requirements can be completed. And the process can take as long as four years. After the P.O.R. is finished G.S.A. has to put out an R.F.P. for a site for the facility. Only after this process is finished can you begin construction, we don't know how long this will take. The staff people have told us the whole process can take over four years.

The facility and land purchase cost has been estimated at four million dollars. We want assistance form Congress to see that the four million dollars is available when ever the whole process of designing and planning is done and we can begin construction of the facility. The Board of the Inland Tribal Consortium feels that this amount of time is unwarranted and that the process can be expedited much faster. We would appreciate any assistance the Appropriations Committee can give us in expediting this matter.

The Consortium also plans to contract portions of the design and planning budget to try to speed up the process and we would greatly appreciate any assistance the Committee can give us in expediting the contract.

The Inland Tribal Consortium also wants to voice our concerns about the IHS budget request and the IHS methods of allocating funds to the Northwest area. IHS uses years of productive life cost statistics to determine the amount of money allocated to each area. Those statistics are almost impossible to compile in the Northwest, thus the Northwest suffers because the true need is not visible in this process, IHS hasn't increased their budget request to Congress since 1981, and they have never adjusted their budget request to reflect the increased population both Nationally and in the Northwest.

The Indian population in the Northwest has increased by 45% in this time period so with normal inflation including increased salaries and the population increase the net result of the static funding request is a tremendous decrease in the services available to the people on the local level. We are requesting the budget be adjusted to reflect the same purchasing level as 1981 in 1990 dollars.

The budget allocation under Contract Health Services is limited only to that authorized by Congress so no monies can be moved from other program areas to supplement Contract Health Shortfalls. Because of this the Northwest suffers because of the lack of Indian hospitals in the Northwest, the Northwest people are heavily reliant on Contract Health for Health Care. So the Northwest tribes are very concerned about the level of funding and allocation methodology under the contract health line item.

The Board of the Inland Tribal Consortium appreciates the opportunity to testify and to submit written testimony and greatly appreciates the committees attention and concern.

KEEP TAHOE BLUE

LEAGUE TO SAVE LAKE TAHOE
2197 Lake Tahoe Boulevard #8, Post Office Box 10110
South Lake Tahoe, California 96731
Telephone (916) 541-5388

Officers
Graham B. Moody, President
Adolphus Andrews Jr., Treasurer
Stephanie Mowers, Secretary

Vice Presidents
James F. Crafts Jr.
William V. Regan

General Counsel
Dwight Steele

Executive Director
Thomas A. Martens

Board of Directors
Shirley H. Allen
Adolphus Andrews Jr.
Johnson S. Bogart
Stephen A. Brandenburger
James W. Brunier II
David C. Diggs Jr.
James F. Crafts Jr.
James W. Dolbeer
Mitch S. Eaton
Richard N. Goldman
Janet Gray Hayes
Abbington S. Hendrickson
Gordon Hooper
Polly N. Huntington
Charles Cave Mallery III
Lawrence J. Mellor
Glenn T. Miller
Graham B. Moody
Stephanie Mowers
John C. Nolan
Charles Hal Page
Peggy Pickrell MD
James L. Porter III
William V. Regan
Kathleen Richard
John L. Sabalius III
Lois B. Shephardson
Benjamin Joseph Solomon
Dwight Steele
Frederick Stuparich
Brian R. Van Zandt
Richard H. Ward
James E. Wickersham
William A. Wilson

Advisory Board
Carlyle W. Hall Jr.
Mary D. Johnson
Assemblyman Lloyd Connelly
Doug McKivergan
Charles E. Nolan
Bruce Abbott
Cameron M. Wolfe Jr.

*Member of Executive Committee
100% Recycled paper

March 13, 1990

Honorable Sidney Yates, Chairman
House Subcommittee on Interior
2234 Rayburn House Office Building
Washington, D.C. 20515-1309

Dear Rep. Yates,

These are exciting times for historic restoration at Lake Tahoe.

That's because the 3,500-member League to Save Lake Tahoe has just completed working on a masterplan for the restoration and use of the Tallac Historic Site that is owned by the U.S. Forest Service and located at South Lake Tahoe.

To begin the restoration work, we are asking that $1 million be appropriated for planning, environmental study and construction of the first phase of the restoration for the Tallac Historic Site for the fiscal year.

The appropriation should be made to the U.S. Forest Service Lake Tahoe Basin Management Unit.

Thank you for considering our request

Sincerely,

Thomas A Martens

Thomas A. Martens
Executive Director

TAHOE TALLAC ASSOCIATION

P.O. Box 1595, South Lake Tahoe, CA 95705
(916) 542 ARTS

March 13, 1990

Dear Member of Congress,

Lake Tahoe is a special place and special things are happening here.

We would like to take this opportunity to introduce you to our unique area, our organization and or program of restoration and cultural arts programming at the Tallac Historic Site, on U.S. Forest Service land, on the shore of Lake Tahoe.

The Tahoe Tallac Association was formed in 1980 as a bi-state non-profit association to restore the three estates and to develop the site as an historic center. The site is now included in the National Registry of Historic Sites.

The Tallac Association working cooperatively with the Forest Service has developed a master plan for the usage and rehabilitation of the site. Since 1979, $480,000 has been spent in this joint effort to stabilize the site. Thousands of volunteer hours have been donated in wide range of rehabilitation activities each year.

To date several buildings have been rehabilitated and restored, but a great deal of work remains to be done. Cultural arts programs housed in several structures on the site, winding bike paths, concerts and exhibits attract over 200,000 visitors each summer.

We are asking your help on a $1 million funding request to augment the U.S. Forest Service budget for the Phase One Rehabilitation of the Tahoe Tallac Historic site for the 1991 budget year.

The $1 million would fund the following Phase One projects

$400,000	Boathouse/Theater
$150,000	Boathouse/Nautical Museum
$200,000	Complete Valhalla Concert Hall
$100,000	Twin Cabin Education/Interpretation Center
$150,000	Valhalla Site Parking

Please consider the special augmentation funding request so that countless visitors and residents can fully enjoy the offerings at the Tallac Historic Site. Thank you.

Sincerely,

Carol Spain
Executive Director
Tahoe Tallac Association
(916) 541-4975

STATEMENT

Prepared for the

UNITED STATES HOUSE SUBCOMMITTEE ON APPROPRIATIONS

for

INTERIOR AND RELATED AGENCIES

The Honorable Sydney R. Yates, *Chairman*

March 29, 1990

Presented By:

BLACK MESA COMMUNITY SCHOOL BOARD

Box 215 - R.R.D.S.
Chinle, Arizona 86503

DIRECTOR: Dorothy R. Yazzie

SCHOOL BOARD MEMBERS

Gilene Begay • Jones Begay • Alice Rose • Lastarza Todacheenie • Stanley Yellowhair, SR.

Mr. Chairman and members of the Subcommittee, the Black Mesa Community School Board would like to thank you for the opportunity to present this statement on behalf of our school.

The Black Mesa Community School is located in the heart of the Navajo Nation (Arizona), 15 miles from the nearest paved road. The School operates grades K through 8 under a "638" Self-Determination Contract with the Bureau of Indian Affairs ("BIA"). Begun in 1974, the Black Mesa Community School received a new elementary school building in 1985. However, the project did not include many of the components normally found at other BIA and public schools such as housing, a plant management facility, playing fields, paving, and drainage structures. These components were eliminated from the project in order to complete the school as quickly as possible to serve the needs of the children at Black Mesa. While the School can today measure success in terms of increased enrollment, it must also face a more troubling reality: that it can no longer operate without the completion of the omitted facilities, as well as new facilities to handle its larger student load. The following is a list of our most critical needs.

I. Staff Housing

The Black Mesa Community School has a critical staff housing shortage. The lack of available housing for its professional staff has hindered the School in reaching its goal of providing the best possible educational setting for its children. The School's remote location makes it extremely difficult to attract and retain qualified professionals in a setting which does not include adequate housing.

Currently, there are only five available housing sites, all of which are filled. They are located in mobile homes whose conditions are worsening. One teacher lives in a sixth trailer which, although condemned by the BIA, has been repaired to the point where it is livable. The School's executive director has had to buy her own trailer, an option which most teachers and incoming personnel cannot afford. Other teachers and staff must live with relatives in the area, or commute. The School's business manager commutes over 60 miles one-way each day. The academic supervisor lives in a Navajo hogan without any utilities. The School is simply unable to attract teachers from outside our small community without guaranteeing them some form of housing.

Accordingly, the Black Mesa Community School Board requests that the Committee consider three alternative measures which would provide acceptable local housing for most of the 35 school professionals and support staff currently employed at the School. *First*, the School would ask the Committee to consider an appropriation for the construction of 15 additional housing units, as follows: 8 one-bedroom units in duplex structure @ 690 sq. ft., 5 two-bedroom, two bath houses @ 1,025 sq. ft., and 2 three-bedroom houses @ 1,200 sq. ft. At an estimated cost of $56.00 per sq. ft., a total of 13,045 sq. ft. would cost $730,000. Total cost, including $100,000 in site work, would be $830,000. These cost estimates are taken from a recent report prepared by an independent consultant for the Black Mesa Community School, based upon the cost of comparable housing at a nearby school.

Second, the School would ask the Committee to consider an appropriation which would allow the School to transport a number of unused housing units from the Many Farms High School - Chinle Boarding School housing compound at Many Farms, Arizona. We understand that over 100 of these 3-bedroom housing units are vacant and ready for occupancy. Additionally, their design is such that they can be easily moved from one location to another. It is almost inconceivable that while many schools on the Navajo reservation face severe housing shortages, over 100 housing units should stand vacant, ready for use, less than a few hours away.

Our neighbor school, Rough Rock, proposed in its March 15 testimony that funds be provided to move 20 of those houses to its site. We endorse Rough Rock's idea, and believe it should be a cost-effective way to help alleviate critical staff housing shortage, too. Use of this available housing would result in significant savings, would provide more housing than BIA-processed construction, and most importantly, would provide homes for our staff in the immediate future. Therefore, we would ask the committee to strongly consider an appropriation in the amount necessary to move 8 - 10 of these dwellings to our School. We estimate that the cost of moving each unit, of necessary site work, utilities expansion, and repairs is approximately $20,000 per unit. Since we believe that it is grossly unfair for so many useful homes to lie dormant at Many Farms, we once again urge the Committee to carefully consider our request for the relocation of these homes to Black Mesa.

Third, we would ask the Committee to consider as a last option an appropriation which would allow the School to purchase mobile trailers to meet the immediate housing need. We cannot place enough importance on our housing need, and mobile homes would at least provide a quick and affordable solution to this critical problem. The cost for one and two-bedroom mobile homes, including site work, and utilities, begins at $25,000 to $35,000 each. We would ask the Committee for funding to provide at least 8 to 10 new mobile homes for our school in the near future. We would also ask the Committee, in any event, to approve further funding for the BIA's staff quarters construction fund.

II. Road Conditions

Currently, no paved roads, driveways, parking areas, or even sidewalks exist at the Black Mesa Community School, giving rise to extensive mud and drainage problems. Often, school buses have been trapped in the mud while unloading students, right in front of the School. The staff is very often restricted to travel in and out of the school complex in the early morning or late at night when the ground is frozen. When the school was built, gravel was only placed in two areas, in front of the school parking lot and behind the kitchen. Now, the gravel has dispersed into the ground, and the conditions in those areas are as bad as those in other parts of the School grounds.

For several years, both the BIA Road Department and Facilities Management staff denied they had responsibility for gravel improvements or snow removal at the School. The BIA Road Dept. says that it is not included in their program cost while Facilities

Management says that it is not included the FACCOM system. We finally had to go to the Office of Construction Management ("OCM") at Central Office for help. OCM agreed that on-site gravel improvements and snow removal should be funded through the Facilities Operations and Maintenance ("O & M") formula. We are therefore asking this Committee to direct the Facilities Management staff to accept responsibility for these improvements in the future.

When our school buses get trapped in the mud while out picking up the children, the driver must radio in and wait until a four-wheel-drive vehicle can either pull the bus out of trouble or pick up the children and take them to school, often as late as 11:00 am. When the weather is very bad, the roads are impassable and the School has had to convert the building into a dorm for the children, sending school staff in four-wheel-drive vehicles to the children's homes in order to pick up clothing and medication. The roads are so bad that they take a considerable toll on the buses over the course of the year. The BIA is unwilling to pave the road to our school which would save a great deal of repair money spent on the buses each year. Yet the BIA claims that it is not the roads but the drivers' fault, despite the fact that our drivers can go no faster than 25 m.p.h.

The BIA has proposed a road project, N-8066, which would upgrade the road from Pinon to Black Mesa, a distance of 15 miles. This project is on the priority list and is currently slated for the FY 1993 budget. However, the BIA only plans to pave 5 miles of the 15 mile distance. We would ask the Committee, therefore, to appropriate enough funding for pavement of the full 15 miles from Pinon to Black Mesa. Furthermore, we urge this Committee to approve additional funding for BIA Road Construction in order to remedy the terrible existing road conditions on the Navajo Reservation.

III. Plant Management Facilities

All simular schools, state and federal, have extensive plant management facilities necessitated by their remote locations. The Black Mesa Community School, although extremely remote, runs all plant management activities out of a light shed not even built by the government. In the winter, harsh weather conditions force the maintenance person to conduct all maintenance work from inside a janitor's closet within the School. The extreme weather and road conditions also necessitate regular light maintenance work on the school buses, but there is no place for needed maintenance or washing to be done.

We would request the Committee to consider an appropriation sufficient to allow the School to construct a storage facilities, a maintenance shop, an emergency generator room, and service facilities for school buses. We estimate that this will require $248,000.

Once again, we would like to thank the Committee for giving us this chance to present our concerns.

Testimony of the Seneca Nation

Before the Subcommittee on Interior and Related Agencies
House Appropriations Committee

The Seneca Nation of Indians appreciates the opportunity to present testimony on several funding issues of great importance to the Nation. We ask that this testimony be made part of the record of the hearings held on March 14 and 15, 1990.

Settlement of Salamanca Leases

This is the first time that we have brought this issue before this Committee. The City of Salamanca in New York is located on our Allegany Reservation, on land that is leased from the Nation. There are over 2700 leases, of ninety-nine years duration, which will expire on February 19, 1991. The impending expiration of the leases has caused deteriorating economic conditions in the City and tensions between the Indian and non-Indian communities.

After several years of trying, we are now near agreement with the City on a settlement of the lease issues. The settlement proposal is designed to provide stability and security to the City and its lessees; promote economic growth for the City and the Nation; and secure fair compensation to the Nation for both its past losses and the continued use of its land by the City.

A brief history of the situation is helpful. In the mid-nineteenth century, the railroads and non-Indian settlers obtained leases of land on the Nation's Allegany Reservation from both individual Indians and the Nation. As a state court correctly ruled in 1870, these leases were invalid because they violated the federal Non-Intercourse Act, which requires federal approval of such land transactions. In response to one ruling, the State went to Congress and, by the Act of February 19, 1875, obtained -- over the Nation's objections -- federal approval of the leases. In 1890, the great majority of these leases were renewed for 99 years. No provision was made to establish fair rents or to escalate rents over time, with the result that many of the leases today carry rent of one and two dollars per year.

Under the settlement proposal, the Nation would offer to all lessees a new forty-year lease, renewable for another forty years. The Nation would receive fair rents which would escalate according to economic indicators. Of most interest to the Committee, the Nation would receive a $50 million payment that would be used for land acquisition and economic development. (It is possible that this amount will be increased to $60 million, contingent on other adjustments in the overall package.) The payment is designed primarily to compensate the Nation for the grossly inadequate rents that it has received for over ninety-nine years. It would also help alleviate the great land shortage that the Nation is experiencing, a shortage produced in part by the continued lease of its lands to the City.

Although the details are still being worked out, we expect a substantial state contribution to the payment discussed above. We anticipate that a federal appropriation

of $35 million will be necessary. We believe that a federal contribution to the settlement is essential because of the federal government's role in creating the problem -- the federal government agreed to validate leases that were illegal and then renewed them for ninety-nine years, all over the Nation's objections -- and made no provision for increases in rent.

We will greatly appreciate the Committee's assistance with this problem. Our Congressman and our attorneys will be furnishing the Committee with further information.

Water Quality Improvement Project

As the Committee is aware, we have a terrible problem with water quality on the Nation's Cattaraugus Reservation. Two years ago, we requested $6 million over a period of three years for a water project that would resolve this problem by bringing clean water into the Reservation through a pipeline and a water distribution system. We are very grateful to Congress and this Committee for providing the first two years of funding for this project, and are now requesting the final year's funding in the amount of $2.115 million.

To review, many homes on the reservation are served by wells with a high barium and sodium content. Some of the barium levels are the highest recorded anywhere in the world. The water also contains harmful bacteria in unsafe amounts. This water has produced unusually high levels of cardiovascular and cerebrovascular disease, hypertension, and certain diseases of the nerves. There are also frequent cases of serious gastrointestinal disease. These problems will be resolved by bringing in water from the Erie County Water Authority through a pipeline that will also serve four local towns.

The project is proceeding well! With the funds for phase one of the project, we completed planning and design for all three phases, including aerial surveys. Construction of phase one will be completed this summer, and we will continue on with phase two through the fall. We will be ready to construct phase three -- with the FY 1993 appropriation -- next spring.

As the Committee is aware, the Eastern Area office of the Indian Health Service receives an allocation for sanitation projects that is too small to fund a project as large as ours. Therefore, unless Congress earmarks the funds, our project cannot go forward. For this reason, we ask that Congress allocate $2.115 million in sanitation funds for the Seneca Nation.

The BIA's Failure to Fund Law Enforcement and other Vital Programs for the Seneca Nation

The BIA refuses to fund several vital programs for the Seneca Nation. One of the most important of these programs is law enforcement. The Nation has been told that this failure is due to an unwritten BIA policy not to fund tribes located within Public Law 280 states. Actually, Public Law 280 does not apply to us, but there is a similar federal law that does apply in New York (25 U.S.C. 232-233).

Because the BIA's policy is unwritten, we do not fully understand the basis for it. However, we are certain that there is no *valid* basis for the policy. First, the Nation retains concurrent jurisdiction over crimes involving its members. Indeed, the legislative history of 25 U.S.C. 232 makes clear that the State has no obligation to enforce criminal law on Indian reservations -- and in fact the State generally does not do so.

Second, 25 U.S.C. 232 and 233 give the State no regulatory authority over the Nation at all. Thus, the Nation retains -- and now exercises -- exclusive jurisdiction to enforce tribal law in regulatory areas such as hunting and fishing, traffic, and gaming. It needs law enforcement funds to assist in exercising these functions. To refuse to assist the Nation in the exercise of its jurisdiction is contrary to the Secretary's trust responsibility to our people -- a responsibility which applies to us just as strongly as it does to other tribes.

Indeed, the BIA seems to be recognizing -- belatedly -- that it has no valid legal basis for refusing to fund the Nation. This does us no good, however, because the BIA says it cannot fund us because to do so would take funds away from another tribe. We are caught in a Catch 22, and we need Congress' help.

Last year, the Committee directed the BIA to work with us on a law and order code. While this was not our primary need, we appreciated the Committee's efforts -- but the BIA did nothing. This year, we are requesting that $100,000 be added to our base for a law enforcement program. We also ask that the Committee direct the BIA to identify other program areas -- such as natural resources -- where an unwritten policy is preventing the Nation from receiving the assistance that other tribes receive as a matter of course. The Committee should also direct the BIA to furnish a report setting forth a plan of action to make our funding more equitable in relation to the funds allocated to other tribes.

Education Programs

The Seneca Nation strongly opposes the proposed cuts in Johnson O'Malley funds. This program is an important source of education funds, particularly for tribes such as ours that do not have BIA schools.

Both the BIA and the Department of Education have cut their funding requests for higher education scholarships. Funds for these programs have been steadily decreasing for ten years, while the costs of higher education have soared. These funds are critical for our Indian youth, and we ask that they be increased.

Finally, the DOE budget calls for a decrease in discretionary grant funding due to reduced quality and quantity of applications. What the Department does not tell you is that its internal process prevents applications from being provided until the last minute, so that applications are prepared hurriedly or not at all. The funds are needed, and should not be cut as a result of inefficient bureaucratic procedures.

STATEMENT OF STANLEY G. JONES
TULALIP TRIBES OF WASHINGTON
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES

March 14-15, 1990

The Tulalip Tribes propose increases to the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) FY 1991 appropriations specifically directed to the programs and activities on the Tulalip Reservation. These, increases by order of priority, are (1) $4,000,000 for an Interstate 5 Interchange, and (2) $1,350,000 to finance construction of a Substance Abuse Recovery Home/Out-Patient Clinic.

BUREAU OF INDIAN AFFAIRS

Interstate 5 Interchange

The Tulalip Tribes propose an increase of $4,000,000 in BIA Indian Reservation Road (IRR) funds from the Highway Trust Fund for special project funding of a new Interstate 5 (I-5) Interchange at 88th Street NE in Marysville, Washington.

The Interchange will be located on the I-5 Corridor separating the Tulalip Reservation and the City of Marysville approximately 26 miles north of Seattle. It will provide critically needed service to the reservation on the West and to the City of Marysville and Snohhomish County on the east.

The principal entry to the Tulalip Reservation is presently through the 4th Street/I-5 Interchange, which is operating at design capacity. Heavy traffic inhibits business access and fire response to the reservation, circulation in Marysville and easterly access to Snohmosh County. The 4th Street Interchange has been improved to its practical limits, and only timely acquisition of a new Interchange at 88th Street NE will prevent a future grid-lock situation from developing.

A new Interchange will enable the Tribes to participate in rapidly accelerating regional economic growth and benefit from the demand for high quality, freeway-adjacent properties. Without the Interchange, the near-term development of a planned Business Park and Resource Recovery Project, timely attainment of tribal financial self-suffiency, development of a reservation-wide water and sewer service, increased employment opportunities and delivery of adequate health and welfare services will be precluded.

An Access Point Authorization Report has been forwarded to the Federal Highway Administration (FHWA) by the Washington State Department of Transportation (WSDOT) that supports the proposed Interchange. The Tulalip Tribes, City of Marysville and Snohomish County have committed to joint development of the Interchange. Both the Tribes and Marysville have invested in comprehensive revisions to their Transportation Plans. Snohomish County has requested $8,000,000 from the Washington State Transportation Improvement Board to support connection of the Interchange with State Route 9 to the east with matching funds from Marysville, the County and WSDOT.

Although the need for the 88th Street/I-5 Interchange is documented and recognized, it does not have the visability to compete against other FHWA priorities in the Nation and State for non-Indian road funds. WSDOT funding support will not be available for several years; therefore, the only timely solution to a rapidly intensifying traffic problem is through a Congressional appropriation. A $4,000,000 appropriation will cover design, EIS, right-of-way, engineering and construction of the Interchange.

Mr. Chairman, we ask that you and the Committee give favorable consideration to our proposals.

INDIAN HEALTH SERVICE

Substance Abuse Recovery Home/Out Patient Clinic

The Tulalip Tribes is requesting an Indian Health Service add-on of $1,350,000 for construction of a 25 bed recovery home and an intensive out-patient facility to be located on the reservation.

We are deeply concerned over the devastating effects of substance abuse on the individual, the family and the community. This concern is reflected by the fact Tulalip Tribes has fostered programs since the mid-1970's to assist tribal members suffering from alcohol/drug dependence. We spend $165,000 annually from our limited financial resources to finance in-patient care for our members who desire treatment for substance abuse.

The facilities that provide in-patient substance abuse treatment are located considerable distance from the reservation, a factor that frustrates the ability of tribal staff from providing a continuum of care from the patient's admission for treatment through his discharge and return to reservation. We have concluded, therefore, that the full range of our substance abuse services can best be brought to bear on patients by constructing a recovery home facility on the reservation.

By locating this facility on the reservation, it will be possible to consolidate the staff, presently housed in scattered and aged facilities, and services to maximize successful patient treatment. Through a coordinated staff approach, the patient will benefit from in-and-out patient treatment, complimentary life skills, job skill training and education and employment referral.

We take great pride in the fact that our tribal substance abuse program has gained certification by the State of Washington which is a reflection of its professionalism and quality of services.

The proposed Recovery Home/Facility will serve Indians and non-Indians and will substantially correct the documented shortage of regional treatment space (local recovery homes have a 3-6 month long waiting list). Equally important, the Tribes have obtained commitments from the State Bureau of Alcohol and Substance Abuse and Snohomish County Human Services Alcohol and Drug Abuse Divisions for contracts to cover the cost of providing services. These resources in addition to IHS contracts and the allocation of substantial tribal funds makes this a one-time appropriation for facility construction.

Significantly, State and County social welfare officials have encouraged the Tribes to establish a substance abuse facility to provide more readily accessable in-patient and out-patient services for all citizens within and without the reservation.

The Tribe has identified a site for the facility that is well-served by power, water and sewer lines and it is readily accessible to prospective patients. The Tribes will donate the site for the facility to minimize overall costs.

Mr. Chairman, we are hopeful the Committee will approve the add-on request of $1,350,000 to permit the Tulalip Tribes to construct the proposed substance abuse facility. This appropriation would permit us to assist the unfortunate victims of alcohol and drug abuse to return to a more meaningful and productive livelihood.

A detailed proposal justifying the facility is attached to my statement. I request that it be made a part of the Committee's files for use by the Members and staff.

STATEMENT OF DARREL WADENA, CHAIRMAN
WHITE EARTH RESERVATION TRIBAL COUNCIL
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
March 14-15, 1990

Mr. Chairman, the White Earth Tribal Council recommends the follows changes in the President's budget request for fiscal year 1991:

1) We request that $500,000 be added to the Indian Health Service's FY 1991 appropriations specifically earmarked for the White Earth IHS Service Unit;

2) We request an add-on of $55,479 for our natural resource management program. The funding level for this program has been the same for several years. The Tribe's increasing responsibilities require additional funds; and

3) We request an increase of $192,500 for our fisheries enhancement project for fisheries assessment equipment and hatchery renovation and rehabilitation.

INDIAN HEALTH SERVICE

White Earth IHS Service Unit

We recommend an add-on appropriation of $500,000 to permit the Service Unit to maintain the Hospital and Clinic (H&C) Program, at minimum, at the FY 1990 level for FY 1991.

Early in this fiscal year, we were abruptly informed by the Bemidji (Minn.) IHS Area officials that our H&C Program would be reduced by $300,00, an astounding 30 percent reduction in the Program funding. In fairness to the area officials, they were carrying out directives issued by IHS Headquarters officials.

After intense negotiations between our governing body and IHS Headquarters and the intervention of the Minnesota Congressional Delegation on our behalf, the IHS resorted funding to the Service Unit to avert a 30 percent reduction in their budget.

Our review of the Service Unit Budget situation reveals that the H&C budget has failed to keep pace with the increasing patient workload. Notwithstanding this funding dilemma, the dedicated Service Unit staff has maintained quality services for the White Earth people.

The IHS Area Office indicates a registration of 4,500 in the Service Unit; however, the actual registration at the Service Unit level was 6,902 as of December 17, 1989. Based on the former figure, IHS reports a per capita appropriation for the Service Unit of $787.78 for FY 1989; however, when using the latter figure, the per capita appropriation is only $461.95.

Moreover, our people have been very responsive to IHS programs and activities that encourage Indian people to seek prompt health and medical care treatment. This responsiveness is confirmed by a brief review of the Service Unit utilization as follows:

1. Since 1981 total clinic visits have increased 61.4% (21,336 to 34,428).

   Since 1984 total clinic visits have increased 34.4% (25,620 to 34,428).

2. Since 1981 total primary care visits (MD, DO, FNP) have increased 65% (10,290 to 16,979).

   Since 1984 total primary care visits have increased 38.8% (12,230 to 16,979).

Not only have clinic visits dramatically increased in recent years, but several important new services, including preventive services, are now provided to our people as follows: mammography, ultrasonography, special diabetes clinics, maternal-child health clinics, nutritional education services, weight loss programs and health surveillance programs.

The issue in our Service Unit is the need to maintain "current level" of services; and, in this instance, we propose parity with the level of services provided to our people in FY 1990. An Appropriation of $500,000 will permit the Service Unit to provide a level of services that are vital to the well-being of our people.

BUREAU OF INDIAN AFFAIRS

Natural Resources Management

The funding level for this program has been $204,000 for several years. The White Earth Tribal Council proposes to maintain current programs with modest increases to facilitate the Tribe's increasing role in fisheries, wild-life and wild rice management, as well as in water quality assessment and rights protection. We request an increase of $55,478 in FY 1991 for this program.

The White Earth Tribal Council has established a Conservative Department to allow the Tribe to biologically manage natural resources, assure continued abundant availability of those resources, enforce sound regulations to prevent over-harvest and guarantee continued exercise of reserved hunting and fishing rights.

The Reservation's tribal population is now estimated at 4,280. In 1988, the Conservation Department issued over 2,200 licenses to members for exercise of hunting and fishing rights. Over half of all tribes members who live on White Earth harvest fish and game resources. Nearly all families are dependent on this resource-base economy to supplement their basic food needs and provide additional income.

It is estimated that all harvesters combined collected over $1,917,000 worth of natural resources in food, commercial products, and recreation. Prior to the tribal management, harvests were about one third of current levels.

Cost/benefit ratio: Although it is very difficult to assess the economic value of natural resources used for subsistence, we believe the conservation program at White Earth has had a significant impact and returns approximately $7.82 for every $1.00 invested.

Fisheries Enhancement

This program will benefit tribal members by providing subsistence fishing as well as food and recreation for our tribal members. Non-members will also benefit, especially in supporting the area's $21 million tourism industry. We request $192,500 for fisheries assessment equipment and hatchery renovation and rehabilitation. Congress approved $50,000 for this activity in FY 1990.

The Lakes of the White Earth Reservation are heavily harvested. For example, White Earth Lake receives over 25,000 hours of fishing pressure, and South Twin Lake over 65,000 hours. Tribal harvest, however, has been less than 15% of the total harvest, although tribal members comprise over 40% of the population and have reserved treaty rights guaranteeing their harvest of natural resources. Tourism to the area takes about 70% of the fish harvested, but this industry does not include tribal members to any great extent.

With the past 10 years of experience, we have now developed the tribal capabilities to fulfill fisheries management for all water of the Reservation if we can acquire necessary equipment and renovation facilities to meet the resource's requirement.

The Tribe is modifying and adopting rules to allow tribal members to increase their proportional share of the fisheries harvest. At the same time, the tribal council, as the responsible regulatory government, has an obligation to protect and preserve the resource form over-harvest. We have taken steps these past 10 years to fulfill this governance responsibility including establishing a fish and game code, and hiring law enforcement officers and biologists. We have successfully operated a fish hatchery stocking thousands of walleyes and bass, and prepared and carries out a management plan for 12 of the Reservation lakes.

Our request includes funds for acquisition of specialized fisheries assessment and survey equipment to determine annual stocking needs of the lakes, renovation and modernization of our outdated and limited hatchery equipment and conversion to extensive and intense aquacultural practices, in controllable, drainable ponds and tanks for production of fish to stock area lakes.

As we noted above, this project will benefit tribal members, providing subsistence harvest as well as food and recreation to the some 4,000 tribal residents and over 19,000 tribal members. Non-members will also benefit, because the area's $21 million tourism industry, which provides approximately 475 tourism-related jobs, will also be enhanced by this program.

We cannot fulfill our obligation to tribal members and the protection of our rights to hunt and fish by continuing to restrict tribal harvest, yet we believe that with this request increase of $192,500, we can conduct compensatory management, ensuring tribal rights and yet minimizing to non-Indians in the area.

We hope the Committee will give our requests its careful consideration. Thank you.

STATEMENT OF
WAYNE SINYELLA
CHAIRMAN, HAVASUPAI TRIBE OF ARIZONA

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
MARCH 14,1990

Mr. Chairman, the Havasupai Tribe of Arizona requests the following change to the President's budget request for fiscal year 1991:

- an increase of $435,000 for the Bureau of Indian Affairs, range management, as the last phase of a 3-year program to rehabilitate and improve reservation land.

RANGE MANAGEMENT AND TRAIL IMPROVEMENT

The Havasupai Tribe is requesting an increase of $435,000 for the Bureau of Indian Affairs, range management, to enable the Tribe to complete the last phase of a three-year range rehabilitation and trail improvement plan. Congress provided $450,000 in FY 1988 and again in FY 1989 to implement the plan, entitled "Havasupai Indian Reservation Initial Range Conservation Plan" (March 1986). These funds will be exhausted by the end of fiscal year 1990.

The range management plan was prepared by the Tribe in cooperation with the Coconino Natural Resource Conservation Service, with technical assistance provided by the U.S. Soil Conservation Service. Assistant Secretary-Indian Affairs Ross Swimmer, in a letter to then Senator Barry Goldwater in October 1986, endorsed the plan as "sound and well thought out" and supported appropriation of funds for its implementation.

The range rehabilitation measures we have undertaken are necessary because of poor Federal range management practices prior to 1975 when the lands were not under the jurisdiction of the Tribe. Congress returned 185,000 acres of our homeland to us in the Grand Canyon Enlargement Act (P.L. 93-620) in 1975, and we have been hard at work restoring the range. It is vital to our tourism economy and provides much needed employment for our people.

Most Havasupai tribal members are partially or totally dependent on livestock for their livelihood. Horses and mules are necessary to the packing and tourism enterprise, and cattle owners are totally dependent upon the rangelands for forage. Development of adequate water supplies, fencing, and improved range management practices are all necessary to protect, conserve and utilize our limited rangelands.

The District Conservationist for the U.S. Soil Conservation Service supports our efforts and in a letter to us on February 26, 1990, stated, "The Tribe has made great progress...We will continue to provide the necessary technical support."

It is true, we have made great progress, but there is still much work to be done. The BIA Superintendent at Truxton Canon Agency has informed us that the Agency supports our conservation plan but that the BIA does not have funding to implement the practices and improvements.

Work yet to be completed includes installation of artificial water catchments because of failure to hit water in two well drilling projects; dam repairs at water tanks; construction of spillways, trap gates, and corrals at some tanks; construction of fences to divide pastures for improved control of grazing; installation of a small artificial catchment apron and storage for a wildlife drinker located near an appropriate wildlife cover area which will be fenced or otherwise protected in order to exclude use by livestock; cattle guards and culverts; and trail repair and maintenance. A spring development project for development and improvement of the springs of the reservation includes a spring condition inventory with trap and pipe replacements or installations scheduled at some of the springs.

Water development and fencing have enabled us to achieve better livestock distribution, and we have already instituted a planned grazing system. Construction of waterlots around some tanks allow us to capture livestock for herd management. Corrals and loading ramps facilitate livestock handling and management. Tribal work crews have performed as much of the work as possible.

Implementation of our restoration plan has improved the tribal economy through employment, enhanced grazing for Havasupai cattle and horses, and trail improvements. It has also helped protect wildlife habitat for deer, elk, antelope, and desert bighorn sheep. Habitat protection is vital to Havasupai cultural life and consistent with national wildlife conservation goals.

Through full implementation of our plan, we expect to increase the livestock and wildlife carrying capacity of our rangelands from about 343 to about 611 animal units year-round.

FUTURE NEEDS: FY 1992-93

Upon completion of the last phase of the 3-year program, the Tribe hopes to construct 4 artificial water harvesting catchments with storage tanks and waterlots and will seek FY 1992 funding for these purposes in the amount of $340,000. It will seek FY 1993 funds in the amount of $125,000 to purchase a truck tractor/trailer, water tanker and flatbed. These future funding requests are not directly associated with the range rehabilitation plan but are important to livestock management and tourism on the reservation.

Havasupai Tribe
FY 1991 Interior Appropriations Request
February 1990

Justification

I. The Havasupai Tribe, Soil Conservation Service (SCS) and Bureau of Indian Affairs (BIA) have been working cooperatively on range conservation planning which started in conjunction with the Environmental Impact Statement for the Grand Canyon National Park Enlargement Act of 1975 (P.L. 93-620). The product of our cooperation is a Range Conservation Plan which incorporates structural, as well as range management practices for the Havasupai Indian Reservation rangeland. Based on this plan Congress appropriated $900,000; $450,000 each in 1988 and 1989 to accomplish the practices described in the plan. The plan was revised in 1989 to keep pace with new information, options and knowledge.

We are requesting $435,000 in FY 1991, and will request $340,000 in FY 1992 and $125,000 in FY 1993 to complete the structural practices necessary to the improvement of our rangeland and to purchase rangeland equipment.

II. Range conservation planning is not static but is dynamic like other planning areas. Ours too is dynamic and changing subject to new information, options and knowledge. Efficient planning seeks to incorporate changes which are the result of new analysis and which are the result of options not previously considered. As we embarked on effecting the structural practice described in the "Havasupai Indian Reservation Range Conservation Plan", we were determined to utilize the most current and relevant information and knowledge available to accomplish the goals and objectives of our plan.

A. Our endeavors have resulted in the expenditure of $379,000 to accomplish projects originally described in the plan. This expenditure accounts for the construction of five artificial water harvesting catchments on the westside of the reservation with a combined storage capacity of 343,500 gallons and a surface catchment area in excess of three acres. In addition we constructed over thirty miles of fenceline in some extremely rugged canyon country. With these funds, we also reconstructed five waterlots and did major repair work on Topocoba Trail, an access trail to our eastside rangeland.

B. Our endeavors have also resulted in the expenditure of $353,000 to accomplish projects which were not previously included in the plan but were regarded as high priority and approved by the Havasupai Tribe, Bureau Of Indian Affairs and the Soil Conservation Service. A considerable amount of this expenditure was due to the unavailability of equipment and vehicles which we had originally planned to be provided by BIA. And some of these funds were expended when we implemented options made available through new information and knowledge which improved upon originally described structured practices.

1. The plan is presuppositional in that it assumes that most equipment and vehicles needed will be available from the BIA. That is, backhoe, forklift, road grader, air compressor / jack hammer and tractor/trailer rigs will be available. It is noted that a modest amount - $5,280 - was obligated for the rental of an air compressor/jack hammer - far less then what was actually required for rental equipment. It is further noted that two vehicles were provided by BIA. One was an Interior Dept. one ton, 4 X 4, stakebed; the other a 3/4 ton pickup. Both trucks were high mileage, beyond their usable life, and constantly in and out of the shop. A situation which impaired our efficiency and created a great deal of frustration as we attempted to complete projects.

   As we proceeded to implement the structural practices it became very obvious that BIA could not provide us with the equipment and vehicles necessary for us to make efficient use of the money Congress provided within the prescribed time limits.

   This being the case, we requested and received approval from BIA, to lease two range vehicles. A 2.5 ton stakebed and a one ton, 4 X 4 stakebed. In addition we increased the line item for rental equipment to allow us to rent what BIA, supposedly, should have been supplying. Early on we discovered that much of the area we were fencing, was under lain with rock, in addition to the rugged canyon areas which we knew were rock laden. The realization was that we could not reach much of the area to be fenced with a conventional air compressor and jackhammer.

As a result we were forced to purchase portable drills and breakers to accomplish our fencing projects. BIA was consulted prior to these line item modifications and never rejected them.

Approximately $130,000 was expended for these purposes. Lease vehicles account for $50,000; rental equipment accounts for $66,000; and, portable drills and breakers account for $14,000. These expenditures were never anticipated, however, they were totally necessary to accomplish our objectives within our time frame.

2. Early on the Havasupai Tribe was provided with information and circumstances which warranted further reprioritization and inclusions. In every case BIA and SCS approved of the reprioritization and inclusion.

In early 1987, after the conservation plan was prepared, Dr. Richard Young, Geologist conducted a geological investigation in the Rock Tank area on the eastside of the reservation. Dr. Young's goal, under contract with the BIA, was to determine if potential well sites existed on the east reservation. The result of Dr. Young's analysis was that a fault zone was discovered in the area of Rock Tank and that existing off-reservation wells were successfully drilled in the same fault zone.

The potential benefit of a well or wells on the plateau area of the reservation were enormous. BIA recommended, with SCS concurrence, the reprioritization occur, such that, one will be drilled with option for a second. Tribe agreed and proceeded to contract well drilling with a local driller familiar with the Coconino Plateau.

One well was drilled over a thousand feet and only sparsely showed water. Dr. Young, having located the first site, was called back to locate a second, that we might exercise our option. The second well was drilled to twelve hundred feet and was dry all the way, it was later capped. Our attention returned to the first well, we blasted where the water showed in an attempt to improve the production. The best we could produce was 10 gallons per hour.

Unfortunately, technology does not exist at this point in time to make use of that production level. While our well drilling was not a total success, it was not a total failure either.

Rarely can you consider a drought a benefit, however, the drought we experienced last summer provided us the opportunity to clean thirteen earthen tanks. We never anticipated that conditions would be right for this activity so it was not described in the structural practices. However, since the opportunity was presented to us we contracted the work to a local rancher familiar with earthen tank renovation. BIA was in complete approval, as was SCS who provided specifications for some of the work. We were in the process of constructing artificial water harvesting catchments on the westside reservation when it was unanimously decided by Tribe, BIA and SCS that a catchment was overlooked at Bishop Tank in the original plan. It was further decided that to best utilize the rangeland on Long Mesa this catchment was necessary. As a result the inclusion was approved and SCS prepared the necessary specification for the catchment, storage tank, waterlot and other associated amenities.

These expenditures account for approximately $169,000 in approved project additions. Well drilling accounts for $73,000; the earthen tank cleaning contract accounts for approximately $31,000; and, the Bishop Tank artificial catchment accounts for $65,000.

3. And $54,000 of the $353,000 was expended implementing an option, surveying and doing some additional fencing. We found for $16,000 more we could install steel covered storage tanks and eliminate [illegible] evaporation loss, thereby significant water savings in our arid climate. Conducting archaeological surveys and fencing line surveys account for an additional $8,000. And finally $30,000 was expended on additional fencing found to be in far worse shape then previously was known.

C. The Havasupai Reservation is traversed by Havasu and Cataract Canyons which effectively cuts the reservation in half. It is virtually impossible to travel in anything remotely similar to a line of site direction. What should be a 40 mile trip is, in reality, over a 200 mile trip because of the circuitous route necessary to travel.

Wilaha Road, which is the 40 mile route, was anticipated to be improved. It was not, and as a result was impassable a great deal of the time and rougher then a cob all of the time. We could not sacrifice our time, efficiency and equipment for the additional $27,000 expended to cover the logistics of the circuitous route.

D. Based on wage, salary and material increases between 1986 and 1989 our purchasing power was reduced to $759,000 from the original appropriation.

III. The Havasupai Tribe requests a $435,000 increase in the FY 1991 Interior Appropriations Bill to continue the implementation of our Havasupai Range Conservation Plan.

A. For FY 1991 we request $435,000 to finish projects which were re-prioritized from the original plan as a result of new information, options and knowledge. Approximately $305,000 will be utilized on east and west structural practices. The remainder $130,000 will be utilized for spring development.

B. For FY 1992 we will request $340,000 to construct four eastside artificial water harvesting catchments with covered storage tanks (combined storage capacity of approximately 400,000 gallons), waterlots and livestock handling facilities. These will be similar to the five we constructed on the westside.

C. For FY 1993 we will request $125,000 to purchase a truck tractor/trailer, water tanker and flatbed so we can be more responsible for the care, movement and shipment of our own livestock, and to further reduce our dependence on the BIA.

IV. The following is a summary of the funding requested by phasing year and project activity.

FY 1991 - $435,000 - to finish reprioritized projects and spring development

FY 1992 - $340,000 - to construct 4 major eastside artificial water harvesting catchment with storage tanks and waterlots

FY 1993 - $125,000 - to purchase a truck tractor/trailer, water tanker, and flatbed

$900,000 total funding for three year period

V. Upon request the following documents will be provided:

A. Havasupai Indian Reservation Range Conservation Plan, revised July 1989

B. Havasupai Grazing Ordinance

VI. The contact person is Rodney Class-Erickson, Tribal Planner. Rodney can be reached at (602) 448-2731/2961/2881 or by writing:

Havasupai Tribe
P.O. Box 10
Supai, Arizona 86435
Attn: Rodney Class-Erickson

VII. Finally, we request the Bureau of Indian Affairs provide all the administrative support funds necessary to the utilization of these requested funds.

United States Department of Agriculture
Soil Conservation Service
Flagstaff Field Office
2333 E. Lakin Dr. Suite 2
Flagstaff, AZ 86004

February 26, 1990

Wayne Sinyella, Chairman
Havasupai Tribal Council
P.O. Box 10
Supai, Arizona 86435

Dear Wayne,

We support the efforts of the Havasupai Tribe toward the implementation of the "Havasupai Indian Reservation Range Conservation Plan", as revised in 1989. The plan is necessary to carry out the objectives of the Tribe toward its range resources.

The Tribe has made great progress toward completion of the structural practices listed in the plan. It is taking the necessary steps toward implementation of the planned range management practices.

We endorse the 1989 revision of the "Havasupai Indian Reservation Range Conservation Plan", and your efforts to obtain funding for its full implementation.

We will continue to provide the necessary technical support to assist the Tribe in meeting the objectives of the plan. Provision of this support is a high priority for our Field Office.

We wish you success in the achievement of your objectives and look forward to our continued working relationship.

Sincerely,

James E. Adam

James E. Adam
District Conservationist

cc. Havasupai Tribal Council Members

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
TRUXTON CANON AGENCY
VALENTINE, ARIZONA 86437

IN REPLY REFER TO
Land Resources
(602) 769-2279

FEB 27 1990

Mr. Wayne Sinyella, Chairman
Havasupai Tribal Council
P. O. Box 10
Supai, Arizona 86435

Dear Wayne:

We have reviewed and approved the proposed modifications to the Havasupai Range Conservation Plan.

The changes are necessary to maximize the utilization of your limited range resources of the Reservation.

Most Havasupai Tribal members own livestock which they depend upon partially or totally for their livelihood. Horses and mules are depended upon to support the packing and tourism enterprise. It costs Tribal members between $800 and $1,200 per year to feed one horse in Supai. By better utilization of your rangelands this cost can be cut by half or more. Cattle owners are totally dependent upon the rangelands for forage. Without proper conservation and protection of Tribal rangelands the cattle growers will not be able to continue to operate.

Development of adequate water supplies, cross-fencing and improved range management practices are all necessary to protect, conserve and utilize your rangelands. Without these improvements your livestock stocking rates cannot exceed minimum numbers.

The Bureau does not have funding to implement the practices and improvements detailed in the Havasupai Range Conservation Plan. Funding within the Indian Priority System budget is not adequate to meet the basic program needs of Tribal Government so it is not likely that existing funds can be reprogrammed for this purpose.

I regret that our Agency does not have funds available to meet your range

improvement needs. We have requested additional funding from the Area and Central Offices but have not been able to acquire any for this purpose.

I am sorry that I cannot be of more assistance with this request.

Sincerely,

Superintendent
Truxton Canon Agency

STATEMENT OF
S. E. REYNOLDS
SECRETARY, NEW MEXICO INTERSTATE STREAM COMMISSION
TO THE SUBCOMMITTEE FOR INTERIOR AND RELATED AGENCIES
OF THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS

March 20, 1990

This statement is submitted in support of appropriations to the Bureau of Indian Affairs (BIA) to continue construction and operation and maintenance of the Navajo Indian Irrigation Project (NIIP), which was authorized in 1962 in recognition of the obligation of the United States to the Navajo Tribe. The project located in the northwestern corner of New Mexico will furnish water for the irrigation of 110,630 acres of land and will provide a higher standard of living for many Navajos.

After 28 years, the project is only about 60% complete, including the work currently under contract. An appropriation of at least $27 million can be effectively utilized in the fiscal year (FY) 1991 BIA appropriation to finish Block 7 facilities, finish the design and award initial contracts to begin construction of the Block 8 facilities and Burnham Lateral, Stage 1, including the Gallegos Pumping Plant.

When completed, NIIP will have a profound effect on the economic and social life of the Navajo Tribe. Not only will many Navajo people be employed directly in the farming activities, there will also be substantial opportunities for employment of additional Navajo people in the agri-business and service and supply activities associated with the farming operation. The workers and their families will acquire housing, schools, police and fire protection and all services connected with daily living. This will furnish employment for many others.

Funds to initiate construction of the project were first appropriated for fiscal year 1963 and the construction schedule called for the delivery of the first water on lands in 1970. With the initial delivery of water to the first 10,000 acres, Block 1, delayed until 1976, the most realistic goal now is the addition of one-half to a full block of about 10,000 acres each year until the project is completed. Facilities to serve Blocks 1 through 6 and a part of Block 7 have been completed, and most of the facilities to serve Block 7 are currently under construction. A total of about 60,500 acres of land can now be supplied water. I urge that at least $27 million in construction funds for NIIP be included in the FY 1991 BIA appropriation.

The FY 1991 budget for BIA includes $3.6 million for operation and maintenance of the project facilities. I fully support the appropriation of this amount in the FY 1991 budget.

The opportunity to present my views on appropriations to the Bureau of Indian Affairs for the urgently needed Navajo Indian Irrigation Project is sincerely appreciated.

PREPARED STATEMENT OF MR. JOE MERRIVAL, BOARD CHAIRMAN
FY 91 APPROPRIATIONS REQUEST
BEFORE THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE
BY THE OGLALA SIOUX PARKS AND RECREATION AUTHORITY
March 15, 1990

Mr. Chairman and members of the Committee, the Oglala Sioux Parks and Recreation Authority appreciates the opportunity to submit our request for funding in Fiscal Year 1991 along with the testimony of the Oglala Sioux Tribe's President Iron Cloud.

FISCAL YEAR 1990 APPROPRIATION PROBLEM

The Authority would like to express its deep appreciation for the $150,000 in funding which the Committee directed the Bureau of Indian Affairs to provide to establish an Oglala Sioux Tribal Fish and Wildlife Program in FY 90. Although we requested $300,000, this first time BIA funding for our reservation which is the second largest in the nation, will enable the Authority to begin exercising its mandate to manage the fish and wildlife resources and park lands of the Pine Ridge Indian Reservation.

While we were very pleased to receive these funds, we have been frustrated because the BIA has not yet approved our application for "638" contract to administer the money. Our request to contract directly with the BIA was approved by the Tribal Council and filed with the BIA on November 7, 1990 and specifically included a request for technical assistance related to the application. Since then we have been negotiating with the BIA over the details of the contract. Last week we were told that it would be at least another six weeks before we can expect to receive any funds -- this is 9 months into the fiscal year. This has caused a delay in implementing our Fish and Game program.

Under the contract we are to employ one supervisory game warden and four rangers to implement and enforce the Oglala Sioux Fish and Game Code but at present the reservation is without enforcement capability which is unacceptable. Attached to this statement are newspaper clippings from the Rapid City Journal illustrating a tragic incident that occurred last weekend in which an off-duty non-Indian Air Force enlistment officer from Rapid City was killed while illegally hunting on the reservation. This unfortunate incident underscores the critical need for tribal fish and game enforcement and management services on the reservation.

BACKGROUND ON OGLALA SIOUX PARKS AND RECREATION AUTHORITY

The Oglala Sioux Parks and Recreation Authority was chartered as a non-profit tribal organization by the Tribe in 1973 and charged with the responsibilities of planning and developing an Oglala Sioux Cultural and Historical Park and related recreational and commercial projects. The Tribal Council expanded our authority in FY 89 to specifically include responsibility for managing, protecting the tribal fish and wildlife resource.

Specifically, the Authority is charged with implementing a tribal fish and game code which imposes hunting and fishing seasons and regulations on tribal members and non-residents of the reservation. Enactment of a fish and game code and

establishment of a fish and game program was deemed necessary by the Tribal Council because unregulated hunting and fishing by tribal members is threatening the reservation fish and game resource. Some species are on the brink of extinction due to unregulated hunting.

The Authority is under the direction of a Board appointed by the Tribal Council and the current Board Chairman is Mr. Joe Merrival. Administration of the Authority is under Mr. Ed Little Sky, Executive Director. The Authority is also responsible for the management and administration of the Cedar Pass Lodge, a concession that provides accommodations, facilities and services for the public at Badlands National Park. Additionally the Authority receives entrance fees collected by the National Park Service in connection with the Badlands National Park. These funds which average about $80,000 are dedicated to basic program operation for the Authority and will supplement the Fish and Game Program. Finally, the Authority manages a herd of approximately 150 buffalo and 50 elk as part of its game management activities.

FISH AND GAME MANAGEMENT NEEDS

The Pine Ridge Indian reservation is comprised of 3.2 million acres and is the second largest Indian land base in the nation. The reservation is larger than some states. The Committee is familiar with the serious socio-economic problems on the reservation so I won't go into the details of this except to discuss the relationship of these factors to fish and game management.

First and foremost due to the pressing economic conditions on the reservation, the Tribe itself does not have the resources to manage the fish and game resource, the land base or to develop possible sources of income from recreational or tourism enterprises. We must have federal support from the Bureau of Indian Affairs which has a trust responsibility to assist the Tribe with management of its land and natural resources.

Second, the extreme unemployment and poverty levels (averaging 80%) combined with our culture and historical reliance on subsistence hunting and fishing pose challenges to tribal regulation of the fish and game resource. The Sioux people place a traditional and deeply ingrained value in the usage of fish and game resources for subsistence. Many of our tribal members, for example, rely on fresh meat as protein from hunting and fishing. But because of our lack of management, cost data, biological data base and other expertise, the resource is suffering from years of harvesting without management. The $150,000 provided by Congress in FY 90 is being, by necessity directed to fish and game enforcement -- a short term approach. The implementation and enforcement of the tribal hunting and fishing code with the BIA funds in FY 90 is the only the beginning of the solution.

During the past year, the Authority has consulted with the Native American Fish & Wildlife Society, the BIA and Fish and Wildlife Service to develop a proposed technical component for management. The real challenge is to develop a sound biological analysis of our resource and to develop a long range technically proficient management plan so that the fish and game resource can be maintained and utilized for subsistence and commercial purposes. This is going to require the employment of professional wildlife and fisheries biologists who can work with the Tribe to develop a management plan, purchase of equipment, training and some specific technical assistance.

This requires additional funds in FY 91, to develop a scientific and technical component to develop the management capability, which is a long term approach and solution to conserving, protecting and managing our natural resources. For example we need to conduct counts of fish, deer and other wildlife populations, determine appropriate harvest rates, develop strategies for increasing the rate of harvestable animals, develop re-stocking capability for fish and other populations, etc.

We also we need to provide information and education to our tribal public about the tribes efforts to manage and conserve our fish and game resources. This is the way that States approach fish and game management and the Tribes need to be in a position to conduct programs based on similar management practices.

WOUNDED KNEE MUSEUM

As part of its original charter the Oglala Sioux Parks and Recreation Authority was directed to plan and develop an Oglala Sioux Cultural and Historical Park and related recreational and cultural enterprises. Over the past two years, the Authority has conducted extensive planning of a Museum, Visitors Complex and related commercial enterprises at the site of the masacre of Wounded Knee. As the Committee knows, the history of Wounded Knee has captured the imagination of people around the world but there is no monument, museum or other appropriate living memorial to commemorate this tragic incident in the history of the Sioux and the American West.

We have completed an appropriate architectural plan and cost estimates for the proposed facility at $4.3 million. This would include infrastructure development, a museum, a visitors center, administration offices for the Authority, facilities for Community meetings and cultural affairs and a gift shop restaurant. We would be pleased to provide the Committee with the preliminary architectural plans for this complex. The proposed complex would serve two primary purposes. First, it would serve as a cultural and historical center for the Oglala Sioux Tribe by providing a museum in the reservation to give us the capability of preserving our history. Second, it would be an economic development project to generate income to the Tribe from tourists.

Based on our analysis, there is great potential to generate tourism income from the complex because the reservation is located next to the Badlands National Park and easily accessible. The State of South Dakota relies heavily on tourism as the second most important industry, but the reservations do not benefit from the tourism industry because we have no facilities. Ironically, many people come to South Dakota because they are interested in Indians--last year, for example, the Oglala Sioux Tribal office received over 500 individual inquiries from tourists wishing to visit the reservation.

Ideally, the Authority would like to request the total construction costs from the federal government, but we are not doing so because we are aware of the budget constraints. We believe that funds for construction can be obtained from a combination of other sources to build the proposed center, but we requires some assistance in order to implement a fundraising campaign for the Wounded Knee Center

FISCAL YEAR 1991 APPROPRIATIONS REQUEST

The Authority is gratified that the BIA included the $150,000 for our program in the FY 91 budget. However, this amount is not nearly adequate to provide the management and enforcement necessary on the Pine Ridge Indian reservation.

The Oglala Sioux Parks and Recreation Authority is requesting a permanent increase of $180,000 to bring our base budget for Fish and Game Management to $330,000 beginning in FY 91. We are also requesting a one-time appropriation of $75,000 in FY 91 to implement a fundraising campaign to secure construction funds for the Wounded Knee Museum and complex.

SUPPORT FOR NATIVE AMERICAN FISH & WILDLIFE SOCIETY

We strongly support the request of the Native American Fish & Wildlife Society for an increase of $6.3 million in the BIA Fish, Game and Parks budget specifically for tribal management programs and projects. The real solution for Pine Ridge and other Tribes is to increase BIA funds so that all Tribes would have a better opportunity to secure funding. We also support the request of the Society for a $100,000 increase in their budget. The Society has assisted the Authority with technical assistance over the past year and we will need their help in the future.

March 1990

TO: The Honorable Sidney R. Yates, Chairman and the members of the House of Representatives Appropriations Subcommittee on the Department of Interior and Related Indian Agencies.

RE: Written testimony submitted by Donald B. Naibark, President, Mid-Dakota Hospital Association, Inc.

The Mid-Dakota Hospital Association Inc. is requesting a $2.0 million appropriation for the reinstatement of the Special Contract Indian Health Service had entered into with Mid-Dakota Hospital during the Fiscal Years 1986, 1987 and 1988. This contract was developed to enhance the access to primary inpatient, emergency and outpatient care for the benefit of all federally recognized Indians living in and around Chamberlain, South Dakota. The Corporation doing business as Mid-Dakota Hospital has presented testimony before this Committee in April 1978, February 1983, March 1987, March 1988 and March 1989 with regard to vital issues of healthcare for the Indian residents in South Dakota and more particularly in the service area of the Mid-Dakota Hospital.

The issues involve the adequate funding for the provision of fundamental primary health services for those Indians residing on or near the Crow Creek Indian Reservation and the Lower Brule Indian Reservation and those Indian patients referred from other service units and the difficulties in resolving the problems arising through limiting access to care and those problems associated with payment denials.

Staring in Mid-1983, a series of meetings were held with Indian Health Service representatives, both locally and nationally, with the deliberate objective to achieve a mutual participation for the benefit of the health delivery system to the people of the Crow Creek Sioux Tribe and the Lower Brule Sioux Tribe.

Accessibility of healthcare services is the paramount concern. It was determined that Native Americans should

have access to the services and care provided at Mid-Dakota Hospital with the least amount of paperwork and "red tape".

Through these intense sessions developed some historic relationships between Mid-Dakota Hospital and the Indian people.

1. A bond of trust and cooperations developed between Indian Health Service and Mid-Dakota Hospital

2. The By-Laws of the Mid-Dakota Hospital Association, Inc., for the first time in the history of the Hospital organizations in Chamberlain, South Dakota, were amended to allow the representing Tribal Councils of the Crow Creek Sioux Tribe and the Lower Brule Sioux Tribe to appoint members to the Board of Directors of this private non-profit corporation. In 1989, the By-Laws were changed to allow for the expansion of the Corporate Board's Executive Committee and Finance Committee to allow for the Tribal Boardmember to serve on these key committees.

3. Through the Special contract and agreement, the accessibility of healthcare to the Native Americans in the community was greatly enhanced.

4. Eligibility problems were virtually eliminated through the provisions of this contract.

The committee is asked to take special note of the fact that the unilateral action on the part of the Indian Health Service has eliminated all benefits previously awarded under the special contract during these past years.

Examples of these extreme unilateral changes are:

(1) Eligibility must now be verified on each patient which wishes to avail the services of Mid-Dakota Hospital and the Physicians practicing therein.

This procedure replaces the list of previously agreed upon potential eligible patients, and the use of the eligibility list which was supplied to the Hospital by the Indian Health Service. It has been a unilateral decision on the part of the Indian Health Service to eliminate the use of this efficient method of determining pre-admission eligibility.

The result of the unilateral decision makes it only possible to get eligibility approvals between the hours of 8:00 A.M. and 4:30 P.M. of course, many Native American patient present themselves at times other than these office hours, and instead of being checked against the previous eligibility list they now must wait for hospital care.

(2) Provision for Long Term Care for those patient requiring professional nursing care, but not acute care, has not been addressed in the current contract.

(3) Provision for take-home medications for those patients treated and discharged during hours that the Indian Health Service pharmacy is not operational is also absent.

Eligibility problems of the past such as: "not eligible for Indian Health Service contract care", "not from this service unit", "care could have been provided elsewhere", "non-emergency" and "off reservation", which had been eliminated during the 1986, 1987 and 1988 fiscal year contracts have again become issues. Furthermore, payment for services rendered has again become a problem.

Actually, the 1990 Indian health Service contract offered is the Indian Health Services standard contract and does not address any of the issues that this Committee had found to be important as referenced by your support on Page 111 of the Department of Interior and Related Agencies Appropriation Bill, 1990.

The quality and utilization reviews of the healthcare provided under the Mid-Dakota Hospital special contract for the three and one-half (3 1/2) years has been reviewed by the designated Peer Review Organization for the State of SOuth Dakota. That organization has continually complimented Mid-Dakota Hospital and the physicians which serve on the Mid-Dakota Hospital Medical Staff for the outstanding care rendered to the Indian patients. Patient satisfaction has also been measured by a patient questionnaire that is presented to all patients to be returned upon discharge. We have received an overwhelming response by receiving over 60% of the completed questionnaires back with positive ratings of 95.7%.

In summary, this project has proved Native Americans access to primary care as well as those specialty clinics available at Mid-Dakota Hospital. The cost per individual covered by this contract has certainly proved to be economical. Few problems have surfaced either in the provision of care or the administration of the contract. The cooperation between Mid-Dakota Hospital and the Indian Health Service has continued and will enhance the provision of care in the future. This cooperative relationship has been an essential contribution to the growth of services being offered during the terms of the special contract.

Mid-Dakota Hospital is proposing reinstatement of the fixed price contract which has been made available in the past as well as any expansion of services determined to be feasible.

According to the list provided by the Pierre Service Unit,

Indian Health Service, State of South Dakota, of all Native Americans in the service area, there are 6,730 such individuals who are potential beneficiaries of the contract services. The cost of past services, under a fixed price contract, using the number of individuals provided by Indian Health Service as eligible in our service area has been less than $30.00 per person, per month, which equates to a most reasonable cost in view of such broad service.

Mid-Dakota Hospital urges this Committee to provide for the reinstatement of this exemplary program by supporting an appropriation of $2.0 million for the quality of healthcare that South Dakota's Native Americans deserve. Mid-Dakota Hospital believes strongly that Indian Health Service has ignored and attempted to circumvent the clear directions of this Committee. The proposal for 1990 brings back all of the problems of the old service contracts and sets this program back at least five years.

Respectfully Submitted,

Donald B. Naiberk
President
Mid-Dakota Hospital

DOUG BEREUTER
1st District, Nebraska

COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS
Subcommittees
Financial Institutions
Housing and Community Development
International Development, Finance, Trade and Monetary Policy

COMMITTEE ON FOREIGN AFFAIRS
Subcommittees
International Economic Policy and Trade
Human Rights and International Organizations

SELECT COMMITTEE ON INTELLIGENCE
SELECT COMMITTEE ON HUNGER

Congress of the United States
House of Representatives
Washington, DC 20515

March 15, 1990

Washington Office
2448 Rayburn House Office Building
Washington, DC 20515
(202) 225-4806

District Office
1045 K Street
P.O. Box 82061
Lincoln, NE 68501
(402) 437-5405

Export Task Force
Co-Chairman
Rural Caucus
Environmental and Energy Study Conference

The Honorable Sidney Yates
Chairman
The House Appropriations Committee
Subcommittee on the Interior
B308 Rayburn HOB

INSIDE MAIL

Dear Mr. Chairman:

As you prepare your recommendations for the FY 1991 Interior Appropriations bill, I would ask that you give serious consideration to the request by my constituents, the Winnebago Tribe of Nebraska, in regards to the Drug Dependency Unit (DDU). They are requesting an additional appropriation that will allow them to keep the doors of the Winnebago Hospital's DDU open.

Perhaps I can give you some insight into the crisis that the DDU is currently facing. As you may know, the DDU at Winnebago is the only DDU in the Indian Health Service. It was opened in 1975, and since that time it has treated more than 2,000 individuals, with a 54% one-year success rate. It is interesting to note that the one-year success rate nationally ranges between 20%-40%.

However, as you heard in testimony presented before your subcommittee by John Black Hawk, Chairman of the Winnebago Tribe, on March 14, 1990, the Winnebago Service Unit management will be compelled to close the DDU in September, 1990, because of a projected budget deficit of $428,000. The reasons for the budget shortfall are not due to mismanagement at the local level. Monies that should have come to the DDU through the Area Office have not been forthcoming because of gross mismanagement in Aberdeen. Specifically, since 1985, funding promises were made at the Aberdeen Area level to tribes other than Winnebago. Many of these promises should have never been made, since honoring them meant that certain tribes were shortchanged. The result, in effect, is that Winnebago is being used as an attempt to balance the Aberdeen Area budget.

In addition, I suspect a darker motive in the Aberdeen Area office's refusal to fund the DDU. Politically, Winnebago is at the mercy of the Area Director's priorities, which have consistently left the Nebraska Tribes underfunded in multiple program areas. Since 1986, the Winnebago Tribe has been working on a plan to build a new hospital. They have been awarded

Federal dollars for their feasibility study, and recently submitted their Project Justification Document to headquarters for approval, as a preliminary step to securing design dollars. The projected expansion is predicated on the existence of the 12 DDU beds, and if those beds no longer exist, there can be no new hospital. Indeed, the loss of those beds due to closure of the DDU would doom the hospital itself.

While I do support fair and adequate funding for all of the tribes in the Aberdeen Area, I urge you to approve special assistance for this well-run, successful DDU at Winnebago. It has served Indian people throughout the Aberdeen Area and if it were forced to close its doors, countless lives will be lost and many families will suffer needlessly.

In closing, let me thank you once again for your tireless work on behalf of the Native people of Nebraska and the nation.

Best wishes,

Doug Bereuter

DOUG BEREUTER
Member of Congress

DB/wa

cc: Hon. Morris Udall
Hon. Don Young
Hon. Jay Rhodes
Hon. Peter Kostmayer
Hon. Ralph Regula

The Drug Dependency Unit of the Omaha Winnebago Hospital has been in existence since September 15, 1975 treating more than 2,000 individuals.

The attached documents indicate the current status of the program.

Since 1985, Dr.Sloan, Aberdeen Area Director, through the governing body of the Omaha Winnebago Service Unit has acknowledged the need for separate appropriation for the Drug Dependency Unit because the program treats Indian people from throughout the Aberdeen Area at no cost to the tribe or Service Units. Finally in FY 1989, for the very first time $45,000 of Area monies was made available to the Drug Dependency Unit. For this fiscal year, only $15,000 has been made available.

This Service Unit can no longer maintain the financial burden of running a program that costs $390,000 on a $15,000 allocation. The Service Unit has a projected budget deficit of $428,000 this fiscal year. By September of this year the Drug Dependency Unit will be closed unless Congress can provide a special line item appropriation of $390,000 in recurring funds to sustain it. The tragedy of a highly successful program closing after 15 years of sustained positive treatment results is disheartening. Countless lives will be lost and family suffering will increase throughout the Aberdeen Area without this program.

THE WINNEBAGO DRUG DEPENDENCY UNIT
ACCREDITED, CERTIFIED, AND HELPING INDIAN PEOPLE

It has long been recognized that Alcoholism is the number one problem affecting the lives of Indian people today. Investigations regarding the seriousness of this problem have revealed statistics, such as:

1. Alcolhol/drug related health problems among the Native American population is 9.2 times higher than that of the general U.S. population.

2. Terminal liver cirrhosis occurs 14.5 times more often among Native Americans between the ages of 25 to 34 than that of the general U.S. population, same age group.

3. Alcohol/drug influenced crimes for Native Americans occur 8 times more frequent than black Americans and 20 times more frequent than white Americans.

4. Data collected from large prisons indicated that among Indians convicted of homicide, the homicidal act was always alcohol-related.

In response to this situation, the Indian Health Service established the Winnebago Drug Dependency Unit (DDU) which was the first Native American alcohol/drug treatment program in the United States. The unit was established on September 15, 1975, as a 12 bed, hospital-based inpatient treatment program and is located at the Indian Health Service Hospital in Winnebago, Nebraska. Services are available to all enrolled Native Americans from throughout the Midwest.

Over the past 15 years of operation, a highly effective model for treating Native American alcoholism has been developed. The model is referred to as a "CROSS-CULTURAL APPROACH WHICH FOCUSES ON ASSERTIVENESS, INDEPENDENCE AND BALANCE COMBINED WITH A BIO, PSYCHO, SOCIAL, SPIRITUAL MODEL EMPHASIZING BOTH COGNITIVE AND EFFECTIVE DEVELOPMENT". The DDU staff are well qualified in implementing this approach and are skilled in treating issues related to anger, domestic violence, sexuality, acculturation, communication, grief, stress, spirituality, rape, incest, shame, co-dependency, Adult Children of Acoholics (ACOA) issues, relapse prevention and various other aspects of life affecting human development.

Reports regarding the program effectiveness have revealed a very impressive 54% one year success rate compared to the national average which ranges from 20-40 percent. The success rate becomes even more impressive when one considers that non-Indian alcohol/drug treatment programs have had virtually no success in treating the Native American population.

In an effort to provide high quality services and to establish program credibility, the staff at the Drug Dependency Unit have made special efforts to attain every major form of program/staff accreditation. These credentials are as follows:

1. LICENSED by the State of Nebraska Department of Health.

2. ACCREDITED by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

3. CERTIFIED by the State of Nebraska Division on Alcoholism and Drug Abuse.

Additionally, 100% of the treatment team are Nebraska State Certified Alcoholism and Drug Abuse Counselors. This treatment team consists of seven members, five of which are certified at the highest level of certification (level III) and the remaining two at the second highest level of certification (level II). Four members of the treatment team are also registered/licensed in the field of Nursing.

Regarding the acceptance of the DDU treatment approach, patient satisfaction surveys indicate a very favorable response. Congruent with the high patient acceptance rate, the DDU staff have stated that their primary mission is to assist individuals in developing and maintaining a quality of life that is conducive to sobriety. Their program goal is to become the most effective Native American alcohol/drug treatment program in the country.

For more information, please contact Robert A. Hallowell, Program Director, at (402) 873-2874.

THE WINNEBAGO DRUG DEPENDENCY UNIT RECEIVES ACCREDITATION & CERTIFICATION

It has long been recognized that Alcoholism is the number one problem affecting the lives of Indian people today. Investigations regarding the seriousness of this problem have revealed statistics, such as:

1. Alcohol/drug related health problems among the Native American population is 9.2 times higher than that of the general U.S. population.

2. Terminal liver cirrhosis occurs 14.5 times more often among Native Americans between the ages of 25 to 34.

3. Alcohol/drug influenced crimes for Native Americans occur 8 times more frequent than blacks and 20 times more frequent than white Americans.

4. Data collected from large prisons indicated that among Indians convicted of homicide, the homicidal act was always alcohol-related.

In response to this situation, Indian Health Services established the Winnebago Drug Dependency Unit (DDU) which was the first Native American alcohol/drug treatment program in the United States. The unit was established on September 15, 1975 as a 12 bed, hospital based inpatient treatment program and is located at the Public Health Service Hospital in Winnebago, Nebraska. Services are available to all enrolled Native Americans from throughout the Midwest.

Over the past 15 years of operation, a highly effective model for treating Native American alcoholism has been developed. The model is referred to as a "CROSS-CULTURAL APPROACH WHICH FOCUSES ON ASSERTIVENESS, INDEPENDENCE AND BALANCE COMBINED WITH A BIO, PSYCHO, SOCIAL, SPIRITUAL MODEL EMPHASIZING BOTH COGNITIVE AND AFFECTIVE DEVELOPMENT." The DDU staff are well qualified in implementing this approach and are skilled in treating issues related to; anger, domestic violence, sexuality, acculturation, communication, grief, stress, spirituality, rape, incest, shame, co-dependency, ACOA issues, relapse prevention and various other aspects of life affecting human development.

Reports regarding the program effectiveness have revealed the following patient outcomes:

1. 77% 30 day success rates.
2. 60% six month success rates.
3. 54% one year success rates.

While the 54% success rate may appear to be only average, it is actually high, when compared to the national averages which range from 20-40 percent.

Additionally, this 54% rate is extremely high, when considering that non-Indian alcohol/drug treatment programs have had virtually no success in treating the Native American population.

In an effort to provide high quality services and to establish program credibility, the staff at the Drug Dependency Unit have made special efforts to attain every major form of program/staff accreditation. These credentials are as follows:

1. LICENSED by the State of Nebraska Department of Health.

2. ACCREDITED by the Joint Commission on Accreditation of Hospital Organizations (JCAHO).

3. CERTIFIED by the State of Nebraska Division on Alcoholism and Drug Abuse.

Additionally, 100% of the treatment team are Nebraska State Certified Alcoholism and Drug Abuse Counselors. This treatment team consists of seven members, five of which are certified at the highest level of certification (level III) and the remaining two at the second highest level of certification (level II). Four members of the treatment team are also registered/licensed in the field of Nursing.

The employees of the Drug Dependency Unit are as follows:

1. Robert A. Hallowell	Substance Abuse Program Specialist, certified by the State of Nebraska Division on Alcoholism and Drug Abuse as a Senior Professional Alcohol/Drug Abuse Counselor (level III).
2. Mary K. Eveleth	Substance Abuse Counselor Supervisor, Registered Nurse and certified by the State of Nebraska as a Senior Professional Alcohol/Drug Abuse Counselor (level III).
3. Alvina Webster	Substance Abuse Counselor, Licensed Practical Nurse and certified by the State of Nebraska as a Senior Professional Alcohol/Drug Abuse Counselor (level III).
4. Geneva Doenhoefer	Substance Abuse Counselor, Licensed Practical Nurse and certified by the State of Nebraska as a Senior Professional Alcohol/Drug Abuse Counselor (level III).
5. Mary Both ShortBull	Substance Abuse Counselor, Licensed Practical Nurse and certified by the State of Nebraska as a Senior Professional Alcohol/Drug Abuse Counselor (level III).
6. Donald Grant	Substance Abuse Counselor, certified by the State of Nebraska as a Professional Alcohol/Drug Abuse Counselor (level II).
7. Clark Beaks	Substance Abuse Counselor, certified by the State of Nebraska as a Professional Alcohol/Drug Abuse Counselor (level II).

Other staff include:

1.	Marjorie Frenchman	Secretary Data/Coordinator, certified by the State of Iowa as a Medical Secretary.
2.	Lula Martinez	Night/Weekend Manager, Associates Degree in Chemical Dependency Counseling.

Regarding the acceptance of the DDU treatment approach, the patient satisfaction surveys indicate a very favorable response. Listed below, are some common expressions made by former clients:

"I really enjoyed my stay at DDU. It's allowed me to grow and I got to know who I am, what I am and what I want. I learned more than I expected about everything. Thank you!"

"Thank you for your love, care, concern and patience. I've been living in h----, I've been given another chance with my life and with my children. I will make it with God's help!"

"I pray and I hope that many more Native Americans choose DDU for the sake of our future!"

"I like the emphasis on cultural aspects which was not available at other treatment programs, it encouraged me to be more willing to disclose at a deeper level and to be less afraid!"

"I want to thank the entire staff for their help and encouragement. I thank God for allowing our lives to touch!"

I have found the entire staff to be warm, loving, caring and compassionate. I admire your dedication. May God bless you and give you the strength you need to continue to help others!"

Congruent with these statements, the DDU staff have stated that their primary mission is to assist individuals in developing and maintaining a quality of life that is conducive to sobriety and their program goal is to become the most effective Native American alcohol/drug treatment program in the country.

For additional information, please contact Robert A. Mallowell at (402) 878-2874.

PASCUA
YAQUI
TRIBE

7474 S. CAMINO DE OESTE • TUCSON, ARIZONA 85746 • PHONE (602)883-2838

March 7, 1990

United State Congress
Sidney Yates, Congressman
Chairman, House Interior Appropriation
Committee
2234 Rayburn House Office Building
Washington, D.C. 20515-1309

Dear Honorable Yates:

Indian Health Service "Full Funding" is only 60% of the funding needed. We are finding that 60% of health needs translates into nearly a one million dollar shortfall in our primary care services at the Pascua Yaqui Tribe Health Maintenance Organization (HMO). We also have a $50,000.00 shortfall for the services delivered by the Tribal Health Department. Most Indian tribes have direct care Indian Health Services facilities available, so at least primary care is addressed. If Pascua Yaqui does not have enough money to fund the HMO, we do not have direct care facilities available. Tohono O'Odham has direct care facilities at San Xavier and Sells. Tohono O'Odham is the other tribe in our area and their facilities are in sad need of repair and are presently over crowded. They cannot absorb the Pascua Yaqui tribal membership, which has increased from 1,100 to an estimated over 7,000 by October, 1990. This is an example of a more drastic situation that exists in Indian Country, although it is quite serious throughout.

We are also concerned as to the AHCCCS situation in the State. We were told at a meeting February 15, 1990, that the AHCCCS program won in court 18 million dollars disputed with Indian Health Service. The money will come out of the already short Indian Health Service budget. The Indian people have been on "life or limb" services for the past year in contract health care. There is much deferred need of services in Indian Country at the present time. If the budget is even made shorter with the present AHCCCS controversy, we will all suffer. The HMO dollars for Pascua Yaqui are coming out of "Contract Health Service Budget". The tribe wonders why this was done as we would have a more stable funding base out of "Hospitals and Clinics Budget". Services budget, which usually is not used to pay primary care services. We do not have a direct care facility available to us and the constant

fluctuation in "Contract Health Service Budget" definitely hurts the negotiations and money available for the HMO. If it is possible for any line item additional monies to be put in to financing this is very cost effective, successful demonstration project with the private sector to provide care for Indian people, we would appreciate you giving us attention. If you have any further questions on this, please contact our Health Director, Dr. Lois Steele, at (602) 578-3935 or the Project Officer, Liz Guerra, at (602) 670-3935.

We would like to be able to appear before you in person but we do not have the funds to do this.

Sincerely yours,

Arcadio Gastelum
Chairman

cc: Eleanore Robertson, Associate Director, OHPD
John Narcho, Acting Executive Officer
Liz Guerra, Project Officer Yaqui HMO

**STATEMENT OF MIKE CONCHA,
GOVERNOR OF THE TAOS PUEBLO INDIAN TRIBE OF NEW MEXICO,
BEFORE THE SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
OF THE HOUSE COMMITTEE ON APPROPRIATIONS,
MARCH 14-15, 1990**

Mr. Chairman, Members of the Subcommittee:

This request in behalf of Taos Pueblo concerns implementation of the national policy to encourage Indian tribes to negotiate, rather than litigate, their claims to water rights. A federal district court suit to adjudicate Taos Pueblo's water rights is now in the early stages of litigation. Beginning last fall, the Pueblo and substantially all non-Indian parties to that suit agreed, not only that a negotiated settlement should be attempted, but also that the conditions for successful negotiation are unusually favorable.

National policy notwithstanding, the Interior Department and its Bureau of Indian Affairs cannot now commit adequate funding to enable the Pueblo to participate in the proposed negotiations. The Pueblo therefore must turn to Congress for (1) an emergency appropriation for the current 1990 fiscal year earmarked to supplement BIA funds available for Taos Pueblo's negotiations, and (2) a line-item appropriation to support the Pueblo's continued participation for fiscal year 1991. The amount of funds needed for these purposes, modest by prevailing standards, is summarized at the end of this statement.

Taos Pueblo has lived peaceably with its neighbors in northern New Mexico for many generations. The hope of maintaining those good relations is one of the considerations that led to this proposal for negotiations instead of litigation. Time is another factor. If the litigation runs its course, the Pueblo's unique history makes it unlikely that appeals to higher courts can be

avoided, irrespective of precedents set by other Pueblo cases. For example, Taos is the only Pueblo Indian tribe whose claims are supported by a repartimiento, an allocation of water under Spanish colonial practice, during the time of Mexican sovereignty.

In addition to these considerations, Congress in P.L. 87-483, 76 Stat. 96 (1962) authorized the "Taos Unit," a water storage project in the Taos area, as part of the San Juan-Chama Project that diverted more than 100,000 acre-feet of water to the Rio Grande from the Colorado River Basin. The act also authorized development of water projects in the area for municipal and industrial purposes, as well as for irrigation. The Town of Taos, which is a party to the litigation, has received an allocation of San Juan-Chama water and has another application pending, but has been unable to construct works to provide an adequate water supply. These circumstances could well become important incentives in negotiations leading to a settlement that would benefit all parties.

Because the Secretary of the Interior has been ordered in an unrelated suit to complete the San Juan-Chama allocations in a timely manner, the conditions favoring settlement may be lost unless the means for the Pueblo's participation in negotiations can be assured by congressional appropriation.

The amount of funds requested is relatively modest, because some of the needed technical studies related to the Pueblo's water rights have already been completed in preparation for litigation. In contrast to the litigation studies, technical research and legal services specific to the purposes of negotiations would necessarily take into account non-Indian water uses, supply sources and delivery systems. The amounts needed are set out below.

SPECIAL APPROPRIATION REQUEST

TAOS PUEBLO WATER RIGHTS NEGOTIATIONS

Fiscal Year 1990 (7 months)

Budgeted costs to Taos Pueblo for legal services, technical research, and Pueblo participation and administration	$270,000
Less maximum available Interior funds from FY 1990 appropriations	200,000
Emergency supplemental appropriation request for FY 1990	70,000

Fiscal Year 1991 (12 months)

Budgeted costs to Taos Pueblo for legal services, technical research, and Pueblo participation and administration	$420,000
Less amount allocated in Interior Department's proposed budget	None
Special line item requested by Taos Pueblo for FY 1991	$420,000

Taos Pueblo cannot in good faith agree to a negotiated settlement in which it has not had the means to participate fully and independently as a negotiating party. In order to ensure that the process does not fail on that account, the Pueblo requests the Subcommittee to earmark the proposed appropriations for administration by the Pueblo under contract with the Interior Department.

Respectfully submitted,

Mike Concha
Governor, Taos Pueblo

TESTIMONY SUBMITTED TO THE HOUSE INTERIOR
APPROPRIATIONS SUBCOMMITTEE ON MARCH 15, 1990 BY THE
QUECHAN INDIAN TRIBE REQUESTING AN APPROPRIATION FOR
IRRIGATION SYSTEM REHABILITATION AND BETTERMENT

The Quechan Tribe is requesting an appropriation of $2,182,000 during Fiscal Year 1991 to provide Year Two funding for long overdue rehabilitation and betterment of the Indian Unit of the Reservation Division, U. S. Bureau of Reclamation Yuma Project.

We are very grateful to the House of Representatives for providing us with first year funding of $1,230,000 in F.Y. 1990. These funds will begin the badly needed process of rehabilitation and betterment and, in addition, will pay for a one-time project to bring project water to 690 acres of prime reservation farm land in the Ranch 5 area which lies within the states of California and Arizona.

Having begun the process of rehabilitation and betterment, it is very important to the Quechan Tribe that additional funding be provided in F.Y. 1991 through F.Y. 1993 in order to complete this project in an orderly and timely fashion.

The Fort Yuma Indian Reservation, home of the Quechan Tribe, encompasses 43,561 acres, primarily within the State of California. A smaller portion of the reservation also lies within the State of Arizona.

The Quechan people farmed land along both sides of the lower Colorado River for many centuries before non-Indians came to settle in this region. After the Fort Yuma Indian Reservation was established in 1883, the Quechan Tribe began looking to the Federal Government for assistance in establishing an irrigation system for its rich bottom lands.

Congress responded to the Quechan request in a most unusual way. An Act of April 21, 1904 required the Tribe to give up half of its prime farm lands, more than 7,757 acres. The Federal Government then sold that land at pre-reclamation prices averaging less than $10.00 per acre. These proceeds were supposedly needed "to pay" for the Indian share of the Yuma Reclamation Project. This was a strange kind of double standard, because no non-Indians were ever required to give up or sell-off land to "pay" for their share of the project. On the contrary, non-Indians were often allowed to homestead reclaimed federal lands.

The Indian Unit of the Reservation Division was designed to deliver Colorado River water to the remaining 7,756 acres of Indian farmland. It is administered for the Bureau of Reclamation by the Bard Water District, which was established in the area given up by the Tribe. Over the years, the Indian Unit became badly deteriorated, requiring extensive rehabilitation and betterment.

The Bureau of Indian Affairs funded preparation of a Rehabilitation and Betterment Report for the Indian Unit which was completed in June of 1986. This study found that:

> "...many structures and features have deteriorated to the condition where they need major rehabilitation or replacement." (Page 1)

The study also identified a critical drainage problem caused by seepage from the All American Canal which has taken Indian farm land out of production:

> "A region of about 900 acres in this western part frequently has a water table within four feet of the ground surface. This water height commonly affects crop growth adversely through reduced root volume and increased soil salinity levels." (Page 2)

The above-referenced rehabilitation and betterment report recommends a modest program of improvements which would benefit 7,184 acres of farmland of which 1,180 acres have been out of production and 500 acres have been of marginal value due to the drainage problem cited above.

The projected cost of these improvements was $5.8 million in 1985 dollars with a projected benefit-cost ratio of 1.4. Second year costs were projected to be $2,050,000 in F.Y. 1990 dollars. Assuming 4 percent annual inflation, the cost in 1991 dollars will be approximately $2,132,000. To that figure, we have added back the $50,000 cut from our F.Y. 1991 appropriation due to the Graham-Rudman Act for a total F.Y. 1991 request of $2,182,000.

Agriculture is a growth industry in Imperial County, California and Yuma County, Arizona. Due to low rainfall and a long growing season, this area has become the Lettuce Capital of the United States, and more and more farmland is being put into higher value produce crops. The Quechan Rehabilitation and Betterment Project will insure that the Quechan Tribe and Indian landowners will reap benefits from the changing agricultural economy.

A Rehabilitation and Betterment study completed by the U.S. Bureau of Reclamation in 1972 also revealed the need for major rehabilitation of the reservation irrigation system. We have been assured that the Bureau of Reclamation supports the Quechan Tribe's requests for appropriations to carry out this work.

The Phoenix Area Office of the Bureau of Indian Affairs strongly supports continued funding of this project. In fact, the Phoenix Area Office has, for several years, requested that funds be budgeted for the proposed Rehabilitation and Betterment. These funds have not, however, been included in Administration requests for appropriations. For that reason, we have had to pursue funding through the route of special appropriations from Congress.

We, therefore, respectfully request an appropriation of $2,182,000 for Fiscal Year 1991 to continue Irrigation System Rehabilitation and Betterment on the Fort Yuma Indian Reservation.

Thank you very much.

Sincerely,

Lorraine E. White

Lorraine E. White, President
Quechan Tribal Council

MENOMINEE INDIAN TRIBE OF WISCONSIN

MENOMINEE TRIBAL CONSERVATION DEPARTMENT

FISH AND WILDLIFE/ENVIRONMENTAL QUALITY

Conservation Facility Proposal

FISCAL YEAR 1991

AMOUNT $ 150,000.00

Enclosures
-Proposal
-Attachment I "Tribal Council Resolution" (Pending)

PREPARED BY: Leon C. Fowler
and Albert J. Fowler
Telephone # (715) 799-5116

MENOMINEE INDIAN TRIBE OF WISCONSIN

RESOLUTION #90- 13

TO PROVIDE FUNDING FOR CONSERVATION/FISH AND WILDLIFE BUILDING FACILITY

WHEREAS, THE MENOMINEE TRIBAL LEGISLATURE IS THE GOVERNING BODY OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN; AND

WHEREAS, THERE IS A NEED FOR MORE OFFICE AND STORAGE SPACE FOR THE CONSERVATION/FISH AND WILDLIFE DEPARTMENT TO HOUSE THEIR OFFICES AND EQUIPMENT AND OTHER ITEMS.

WHEREAS, FUNDS MAY BECOME AVAILABLE THROUGH THE BUREAU OF INDIAN AFFAIRS FOR THE SUPPORT OF PROGRAM FACILITIES THAT WILL MEET THIS NEED ACCORDING TO THE CONTRACT PROPOSAL ATTACHED;

NOW,THEREFORE BE IT RESOLVED, THAT THE MENOMINEE TRIBAL LEGISLATURE ON BEHALF OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN, DOES HEREBY REQUEST OF THE BUREAU OF INDIAN AFFAIRS APPROVAL OF THE ATTACHED GRANT PROPOSAL ENTITLED CONSERVATION FACILITY IN THE AMOUNT OF $150,000.00 FOR FISCAL YEAR 1991.

CERTIFICATION

WE THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS ADOPTED AT A MEETING OF THE MENOMINEE TRIBAL LEGISLATURE ON MARCH 7, 1990 WITH A QUORUM PRESENT, BY A VOTE OF 8 FOR, 0 OPPOSED, 0 ABSTENTIONS AND 1 ABSENT.

THE UNDERSIGNED ALSO CERTIFY THAT THE FOREGOING RESOLUTION HAS NOT BEEN AMENDED OR RESCINDED IN ANY WAY.

DATE: MARCH 7, 1990

Gordon Dickie Sr

GORDON DICKIE, SR., CHAIRMAN
MENOMINEE INDIAN TRIBE OF WI.

Hilary Waukau Sr/GH

HILARY WAUKAU, SR., SECRETARY
MENOMINEE INDIAN TRIBE OF WI.

MENOMINEE INDIAN TRIBE OF WISCONSIN

MENOMINEE TRIBAL CONSERVATION
FISH AND WILDLIFE/ENVIRONMENTAL QUALITY
Conservation Facility Proposal
F.Y. 1991

Introduction

The Menominee Indian Conservation Department was first founded in 1978 after the mandates of the United States Congress made it clear that the newly restored Menominee Tribe was entitled to trust protection of its resources under the Menominee Restoration Act of 1972, P.L. 93-197. About that same time, Congress also enacted P.L. 93-638 known as the Indian Self Determination Act. This allowed the Menominee Tribe to contract with the Federal Government in fulfilling that particular need. The Menominee Conservation Department was first set up as a conservation law enforcement agency but as time elapsed, more fish and wildlife management duties were consigned to our law enforcement personnel.

The Conservation Department has since expanded with more duties, personnel and equipment. We have been unable cope with our need for more office and storage space.

Need

From the inception of this program, this department has had to utilize very limited office space within the tribal office complex. With current budget restrictions, we cannot provide adequate office space without making other sacrifices.

With the start up of our fish and wildlife management and other conservation related projects, there is not enough space to house the program personnel and equipment. Personnel who are out on night or weekend patrol do not have access to our existing office for information, equipment, supplies or telephones.

Our department has vehicles, A.T.V.'s, snowmobiles, a boat and fish retrieving equipment that needs a central safe storage area. At this time there is no storage space available. We are looking to acquire more fishery equipment, a patrol boat and vehicles in the near future although we have no storage space.

Building specifications should include adequate office space along with safe and secure evidence storage areas to include a cold storage area for perishable evidence. There is currently no place to store perishable evidence items such as animal carcasses, fish and endangered species. These evidence items are often required for the successful prosecution of court cases. Our wildlife biologist often needs cold storage for animal carcasses for his studies.

At times, persons who have their game confiscated want their game carcasses returned in good condition after they have prevailed in their court cases. We, at times, have to give the meat to the elderly program prior to its spoilage even if it is needed for evidence. In one case, a whole animal carcass was kept at a meat locker service and the freezer broke down and the animal carcass spoiled. It has been two years since that incident occurred and that carcass is still needed as court evidence since the case is still pending. Because of health board restrictions, most commercial locker services will not accept wild game carcasses for storage.

For equipment storage, we are currently storing much of our fish retrieving equipment at various wardens' residences. This is an undesirable situation since if anything is missing or damaged the wardens might have to assume the responsibility. To date, this has not happened but we would not like them to be liable for lost, stolen or damaged property since this equipment is so expensive. It would be greatly difficult for the department to replace any of the items. Wardens also need their own storage spaces for their personal items without having to provide storage for department equipment.

SEE ATTACHED BUDGET)

Conservation Building Budget Cost Needs

Basic Building Construction	$122,000.00
Furnishings	15,000.00
Site Prepration & Excavation	8,000.00
Utilities Connection and Hook-up	5,000.00
Land Use Lease Fees	0.00
TOTAL PROJECT COST	$150,000.00

CHIEF WASHAKIE

SHOSHONE TRIBE
BOX 538
FORT WASHAKIE, WYOMING 82514

CHIEF WASHAKIE

February 16, 1990

The Honorable Sidney R. Yates
UNITED STATES HOUSE OF REPRESENTATIVES
2234 Rayburn House Office Building
Washington, D.C. 20515-1309

Attention: Kathy Johnson

Re: Appropriations Requests: Shoshone and Arapaho Indian Tribes of the Wind River Reservation, Wyoming

Dear Mr. Yates:

I am writing to urge your support for Fiscal Year 1991 appropriations requests for two extremely important projects on the Wind River Reservation. As discussed more fully below, the projects include a soils inventory of the Reservation and urgently needed rehabilitation and repair of water delivery systems that would benefit both Indians and non-Indians on the Reservation.

As backdrop information, let me briefly describe two critical developments on the Wind River Reservation at the present time. First, as you probably are aware, the Shoshone and Arapaho Tribes recently were awarded by the United States Supreme Court approximately 500,000 acre-feet per year of 1868 priority date Indian reserved water from the Big Horn Basin. It is clear that additional water ultimately must be provided on the Reservation to satisfy both Indian and non-Indian irrigation and other water rights under federal and state law. In the interim, however, repair and rehabilitation of existing water delivery systems is a method which can be used to conserve water to meet current water needs. Much water is presently being lost through seepage in the canals and other delivery structures.

Second, the Tribes are in the process of adopting a water development plan governing the Reservation, which plan addresses both water use and quality issues. To make sound decisions about water allocation and protection, Reservation economic development options must be explored thoroughly. A current inventory of soils on the Reservation is essential to these efforts. The soils studies completed by the United States in connection with the Big Horn adjudication were for litigation only and focused primarily on major parcels which had irrigation potential. The only other soils inventory of the Reservation was completed over twenty years ago and thus is sorely outdated.

In light of the foregoing, the Tribes are seeking earmarked appropriations of $1 million in non-reimbursable funds for a soils inventory and $2 million in non-reimbursable funds for repair and rehabilitation of BIA-operated water delivery systems on the Reservation. The Tribes also seek confirmation that the Fiscal Year 1990 appropriation for rehabilitation and repair was appropriated on a non-reimbursable basis. The inventory and rehabilitation projects have been proposed by the local BIA Superintendent for several years, but we understand the projects have been declined due to a lack of funds.

With respect to the soils inventory, which would produce the detailed mapping and soils data needed for land and water use planning, the BIA estimated in 1977 that $735,000 would be needed to inventory the Reservation's entire 2.5 million-acre land base. The Tribes' hydrologist, Dr. Catherine Vandemoer, estimates that the inventory would cost $1 million today, taking into account inflation and her conclusion that the time needed to complete the work was underestimated by the BIA substantially.

With respect to rehabilitation of existing water delivery systems, the BIA has estimated that approximately $15 million is needed for four BIA-operated irrigation projects on the Reservation. Rehabilitation would include clearing and regrading canals, lining canals with concrete or plastic, repairing headgates and drop structures, and leveling fields. The Tribes' consultants have informed us that clearing and lining canals is especially critical. In one canal, for example, an originating flow of 350 cubic feet per second is reduced within one mile to 250 cubic feet per second, due largely to seepage, before major fields ever are reached. In addition, the canals need to be widened and deepened to ensure that enough water volume and pressure can be developed to push water to the last field in the irrigation project. Some canals presently are unable to carry even the amount of the Tribes' water award without rehabilitation.

The Tribes propose that funding for water system repair be made available in phases. Last year's appropriation of $1 million will be expended this summer in accordance with the priorities established in the document entitled Appendix A, which is attached hereto. In Fiscal Year 1991, the Tribes request funds to improve and rehabilitate additional structures in the four BIA irrigation projects.

The BIA studies and funding estimates relevant to the soils inventory and rehabilitation projects will be made available to you upon request. The BIA representative most familiar with these projects is David Allison, the Wind River Agency Superintendent, who may be reached at (307) 332-7810.

Your assistance on these matters is appreciated greatly. Please call our legal counsel, Susan M. Williams, (505) 842-6961, or one of us, should you have any questions regarding these requests.

With regards,

John Washakie, Chairman
Shoshone Indian Tribe

Burton Hutchinson, Chairman
Arapaho Indian Tribe

Enclosure

cc: The Honorable Malcolm Wallop, United States Senate
The Honorable Alan Simpson, United States Senate
The Honorable Craig Thomas, United States House of Representatives
The Honorable Daniel Inouye, United States Senate
The Honorable Morris K. Udall, United States House of Representatives
The Honorable Michael Sullivan, Governor, State of Wyoming

STATEMENT ON THE FISCAL YEAR 1991 APPROPRIATIONS FOR URBAN INDIAN HEALTH

Presented by: Detroit American Indian Health Center
Lucy Harris, Administrator

I urge this Appropriations Committee to support funding of $19,425,100 for the Indian Health Service Urban Indian Health Program. This includes $13,172,100 for Urban Indian Health, full funding of $5,000,000 for Urban Indian Alcoholism and Substance Abuse Treatment and Prevention Services, and $903,000 for Urban Indian AIDS Prevention. Education and Treatment.

The number of American Indian patients registered at the Detroit American Indian Health Center has increased by 1,701 persons during the last three years. The Detroit American Indian Health Center attempts to provide medical, dental, health education, nutrition, substance abuse treatment and prevention, behavioral health and community services to the over 15,000 American Indian people in the Detroit metropolitan area. Last year the Center provided over 13,000 visits to American Indians in Detroit. The Center has been successful in securing limited funding from the State of Michigan for health education, outreach and referral activities, and does receive limited revenue from insurance and medicaid.

The Indian Health Service reports that the Indian infant mortality rate has been reduces to 9.7 deaths per 1,000 live births, but that does not include urban areas. The American Indian infant mortality rate in Detroit is 18.9 deaths per 1,000 live births according to the Detroit Health Department. The American Indian infant mortality rate is almost twice as high in Detroit as compared to the Indian Health Service areas. This is directly related to the amount of funding the urban Indian health programs receive. Presently, our prenatal program is only funded for eight hours a month. Clearly we should do more so Indian babies born in urban areas have the same chances of survival as their reservation cousins.

During the last ten years the total IHS budget increased about 100%, but the urban Indian health portion of that budget increased only 14% during that same period.

The Congress recognized the problem of alcoholism and drug abuse within urban Indian communities and authorized $5 million for urban Indian alcoholism and substance abuse services under the amendments to the Omnibus Drug Bill. The Detroit American Indian Health Center provided 2,162 substance abuse education and prevention encounters last year. In addition to more substance abuse education and prevention activities, funds are needed in Detroit for outpatient treatment and aftercare services alcohol and substance abuse. We understand that the Omnibus Drug Bill funding will be received by the urban Indian health programs

beginning this April and we thank this Subcommittee for that support. Our alcohol/substance abuse program is state licensed and all of our substance abuse counselors are state certified.

There are only two medical malpractice underwriters in the state of Michigan. Neither will provide less than half time coverage for a part-time physician. We have been approached by medical school residents and others interested in working or volunteering at the clinic for a few hours or a day per week, but then we must insure them for half time even though they would only be working a few hours per week, which we do not have the funding to do. Consequently, we have not been able to use the medical school residents or volunteer physicians. The Detroit American Indian Health Center has never had a malpractice claim initiated against us, yet our malpractice insurance rates continue to climb every year. We strongly support the inclusion of the IHS urban Indian health programs under the Federal Torte Claims Act would solve our dilemma and allow the funding now used for insurance to be applied to meeting the increased demand for patient services.

The Center has annually submitted a proposal to the Detroit/Wayne County Mental Health Board to provide counseling, crisis intervention, family support, and prevention services for American Indians in the Detroit metropolitan area since 1986, but to no avail. The community mental health providers in the area report few if any American Indians using their services, yet out own substance abuse counselors and social worker report indicate that mental health services are desperately needed in the community. We urge support of mental health funding for urban Indian health programs and fully support a comprehensive mental health service program for American Indians.

The Detroit American Indian Health Center has been recognized by both the Indian and non-Indian communities in Michigan as an effective and important healthcare provider for American Indians in the Detroit metropolitan area. We thank this Committee for your continued support of improved health care for American Indians in urban areas and urge a level of $19,075,100 for the Urban Indian Health Program for FY 1991.

Thank-you.

30-252 O—90——30

STATEMENT OF DANIEL BROWN, CHAIRMAN
LEECH LAKE RESERVATION BUSINESS COMMITTEE
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
MARCH 14-15, 1990

Mr. Chairman and Members of the Subcommittee:

The Leech Lake Reservation Business Committee requests that the Subcommittee approve add-on funds to the FY 1991 Appropriations for the Indian Health Service (IHS), Bureau of Indian Affairs (BIA) and the National Park Service (NPS) as follows: (1) $858,000 (IHS) to initiate a sanitary landfill closure and to monitor such closure; (2) $100,000 (BIA) to continue vital fishery management activities and $83,822 (BIA) to research, develop, enact and implement a code of education; and (3) $27,300 (NPS) to continue the tribal historic preservation program.

Sanitary Landfill Closure

There is an urgent need for an appropriation of $858,000 to permit the Business Committee to undertake the closure of the Leech Lake Sanitary Landfill that will reach capacity in mid-1990. This tribally-owned landfill has served the solid waste disposal needs of Indians and non-Indians alike since its purchase by the Business Committee in 1978.

This facility which is located on the Leech Lake Reservation was threatened with closure in the 1970's due to operating violations and mismanagement on the part of the former owner. To mitigate open dumping problems on the Reservation and to insure continuity of solid waste disposal services to all users of the site, the Business Committee purchased the landfill as a tribal venture. The Bureau of Indian Affairs, Indian Health Service and Environmental Protection Agency helped to facilitate the tribal purchase of the landfill.

The Business Committee is presently planning for closure of the facility in FY 1991. Closure activities will include designing and constructing a cap over the eighteen (18) acre fill site to prevent precipitation from infiltrating and leaching through solid waste in the site, which could pollute groundwater resources used locally as a source for drinking water.

Original tribal estimates ranged from $200,000 to $300,000 to finance final closure of the site pursuant to State of Minnesota standards. However, new State regulations relating to the closure and monitoring of sanitary landfills will go into effect in July, 1990 and will raise significantly such estimated

closure and monitoring costs. Moreover, the EPA is proposing similar stringent changes in solid waste facility regulations under the Resource Conservation and Recovery Act. This radical change in regulations proposed by the EPA is based on recent evidence bought to light by research that currently reveals current regulatory standards do not adequately protect groundwater resources. The new standards will effectively increase the percentage of water to be diverted off site in landfill closures.

The new State and prospective Federal (EPA) standards relating to landfill closures has dramatically escalated the Leech Lake Sanitary Landfill costs to an estimated range of $850,000 to $1,000,000. In addition, post-closure monitoring of groundwater under new regulations will require $8,000 annually over twenty years, a 380 percent increase in costs!

The Business Committee included its best estimate for closure and post-closure costs in fees charged to users of its landfill over the eleven years of tribal ownership of the site. The Committee failed to foresee new stringent regulatory standards relating to site closures, and it is faced with a financial dilemma concerning its responsibility to close the site in an environmentally sound manner. A sub-standard closure of the site would more than likely lead to it being placed on the EPA's Superfund list at some future date with even higher costs required to fund remedial action to avert further groundwater pollution.

Mr. Chairman, the Business Committee is confident of its ability to close the Leech Lake Sanitary Landfill in a manner that will maintain environmental integrity and to monitor the closure for a one-year period through an add-on of $858.000. We recommend that the IHS be directed to build post-closure monitoring costs into its future fiscal year budgets.

Fishery Management

The Business Committee proposes an add-on to the FY 1991 appropriations for the BIA to support the continuation of Leech Lake Fishery Management Activities.

The single greatest attraction supporting the Leech Lake Reservation's number one industry, recreational tourism, is its sport fishing potential. This resource provides over 45 percent of gross income earned by all business establishments within the reservation. The intensive use of sport fisheries over the past thirty-five years has had a negative impact upon this resource, which has been expressed in the growing dissatisfaction among visiting anglers regarding fishing success and the diminishing size of fish caught. Currently, over 250,000 fishing days are provided by our waters. By the year 2000, the fishing pressure

is expected to almost double. Our reservation cannot afford to allow this heavy demand on our sport fisheries to deplete this valuable renewable natural resource that contributes substantially to the economics of the reservation and broader region. The reservation contains over 300,000 acres of water and nearly 250 fishable lakes. We share enormous responsibilities with State and Federal Agencies for proper management of this valuable natural resource.

Under the 1972 Agreement with the State of Minnesota, the Leech Lake Reservation is charged with co-management responsibility for gamefish management. This agreement also mandates the Leech Lake Reservation to manage non-game fish species for the mutual benefit of all user groups balancing both an Indian commercial and subsistence harvest and a non-Indian recreational harvest. Tourism is the primary industry on the Leech Lake Reservation and fishing is the cornerstone of this multimillion dollar tourism economy. To fail to adequately manage our sport fish resource would do injustice both to the environment and the economy derived from it.

Fish play a majo role in the diets of many tribal members. Subsistence fishing has been conducted for centuries by Indian people on the Leech Lake Reservation. Commercial fishing for non-game species also provides income to many Indian families. Without adequate management of these fishery resources, the potential for loss or damage becomes greater. Bait harvesting, permitted and monitored by our fisheries department, is growing with more and more tribal member involvement every year. These baitfish resources have a potential economic value of well over $1.0 million. Management of tribal trust fishery resource is desired and demanded by Indian and non-Indian residents alike.

Through increased fish management, we can improve fishing opportunity on the Reservation and be in a better position to: (1) protect the rights of Leech Lake Indians to engage in subsistence and commercial fishing, and (2) to capitalize on the increasing tourism economy, largely based on fishing, to further our self-determination. Bureau funding was obtained in FY 1984 to operate a fish management program. Since 1984 over $700,000 has been received through contracting with the BIA under the P.L. 93-638 process for fish management activities on the Leech Lake Reservation. We have attained mature contract status, however, we have been allocated nothing for fish management activities for FY 1991. After developing and successfully administering a fish management program for over seven years, we feel a great injustice would be done to fail to fund and consequently terminate this program. Our annual contracted amount for fish management has been approximately $100,000.00.

We work closely with the Greater Leech Lake Reservation Advisory Alliance, a consortium of resort groups and sportsmen's

clubs, and other resource management agencies to promote and increase the fishing opportunities within the Leech Lake Reservation boundaries. We maintain a fisheries interpretive center, open to the public and provide tours to school groups and other interested parties. Some of our recent fish management projects include: interpretive center, open to the public and provide tours to school groups and other interested parties. Some of our recent fish management projects include: 1) Annual lake surveys to assess sport, commercial and subsistence fish populations; 2) Rough fish removal; 3) a Hydroacoustic fish survey of our largest and most important lakes; 4) Monitoring and assessment of a unique tribal resource: the whitefish and herring commercial fishery; 5) Cooperative habitat enhancement projects with the U.S. Forest Service; 6) Providing assistance to the tribal hatchery during spring and fall fish spawning seasons.

Please thoughtfully consider our funding request for an add-on of $100,000 to permit us to continue our vital fishery management activities. Also, please consider restoring Hatchery Maintenance and Rehabilitation at FY 1990 levels.

Leech Lake Code of Education

The Business Committee proposes that add-on funds of $83,822 be included in the BIA's FY 1991 appropriations and be directed to underwrite the Leech Lake Code of Education.

P.L. 100-297, Sec. 5106, enacted by Congress in 1988, requires that: "The Assistant Secretary for Indian Affairs through the Director shall...assist Tribes and Alaska Native entities at their request in the development of Departments of Education, education codes, and comprehensive education plans."

We are confident that such funds would bring our education plans to reality, strengthen our tribal department of education and improve the quality of education provided to our 2,350 Leech Lake children and youth.

Leech Lake Historic Preservation Program

We request that add-on funds of $27,300 be included in the National Park Service's Tribal Historic Preservation Program and that such funds be earmarked to support the Leech Lake Historic Preservation Program.

We request further that the Subcommittee study the National Park Service's forthcoming report to Congress to address the real and pressing need to increase tribal participation in national historic preservation activities. Congress should provide realistic funding for this important Park Service initiative.

BILL RICHARDSON
3D DISTRICT, NEW MEXICO

COMMITTEES
ENERGY AND COMMERCE
INTERIOR AND INSULAR AFFAIRS
FOREIGN COMMISSION ON HUMAN RIGHTS
SELECT COMMITTEE ON INTELLIGENCE
SELECT COMMITTEE ON AGING

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE
[illegible]

DISTRICT OFFICES
[illegible]

STAFF
[illegible]

March 23, 1990

The Honorable Sidney R. Yates
Chairman
Subcommittee on Interior
Rayburn HOB B-308
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Yates:

The Zuni Pueblo of New Mexico has requested that I submit the enclosed testimony for the Subcommittee's hearing record of March 14 and 15. As the Zuni Pueblo was not able to testify in person, I would greatly appreciate this testimony be submitted for the record.

Thank you for your time and consideration.

With warm regards,

Bill Richardson

Bill Richardson
Member of Congress

BR/rep

Testimony of Robert E. Lewis, Governor
Pueblo of Zuni
Before the
Interior and Insular
Affairs Committee
Hearing on the
FY 1991 Bureau of Indian Affairs Budget

My name is Robert E. Lewis; I am the Governor of the Pueblo of Zuni. Our land is primarily located in west central New Mexico in McKinley County, approximately 150 miles west of Albuquerque. I would like to give you a progress report, an assessment of our needs, and request your assistance.

Our land is composed of approximately 419,000 acres of semi-desert area with an average annual rainfall of approximately 12 inches. Topography varies from high timbered areas at 7,700 feet elevation to lower table-top mesa lands, bisected by deep rimmed valleys. Some of the lower elevations at approximately 6,100 feet are dry farmed and irrigated. The land feeds our livestock, grows our garden crops and takes care of our people.

On behalf of my people, I want to express my appreciation for your assistance and support this past year.

Many of our programs and projects included in the 1969 Zuni Comprehensive Development Plan were never completed under the 1970 Zuni Tribe and Bureau of Indian Affairs Program Agreement. However, we feel many of these projects would assist us in stabilizing tribal services to our people, improving living conditions and protecting our eroding topsoil, in addition to developing our renewable natural resources. Therefore, we are requesting that you review and give favorable consideration to funding the following projects:

1. Flood Control for Zuni Community.

   The Zuni River is relatively flat through the Zuni village. Heavy silt deposits and thick vegetation are restricting river flow. During periods of excessive runoff, this area becomes an insect breeding area and is an ideal medium for producing vectors for dysentery, and hepatitis. In addition to the mosquitoes and flies, the stagnant water ponds are playgrounds for children.

   We are requesting $25,000 for a topographic survey and engineering design and $250,000 for excavation, shaping and channelizing, and alignment of the Zuni River above and below the Zuni village. This project will increase drainage and improve sanitary conditions in and along the Zuni River.

2. Zuni Community Fire Program.

The Zuni Community Fire Program is responsible for protecting lives and property from fires and other disasters within the 655 square miles of the Zuni Reservation. In 1986 the Zuni population was 8,135; at present, it is 8,996, an increase of 861. This is an average increase of 287 each year. By 1991, the population is anticipated to be 9,283 and by 1992 it will be 9,570.

There are approximately 1,500 homes, six schools, and twenty-one businesses in Zuni.

In 1986 there were seventy-six fires or other emergency calls, while in 1989, there were two hundred thirty-five emergency calls. That is an increase of 159 calls or 200%. We anticipate an increased number of emergency calls in the future. This is due to population growth, the construction of an elementary school, and the increase in commercial truck traffic. Therefore, we are requesting $60,000 to support the Zuni Community Fire Program.

3. Zuni Tribal Police Department.

The Zuni Tribal Police Department is currently comprised of sixteen full-time police officers, twelve of which are assigned to patrol the reservation which covers 655 square miles. The population is presently 8,996, and at the current growth rate will be over 9,570 by 1992. To provide for complete 24-hour coverage of the reservation (including two state highways) and to provide adequate police service to the population, a minimum of four additional police officers will be needed by 1991. In addition, one more jailer/dispatcher is needed to meet 24-hour coverage requirements mandated by professional liability insurance. The increased manpower and services will require an additional clerical position to handle filing, computer entries and case file management. Two additional patrol vehicles would also be needed (two officers would share one vehicle).

The current starting salary for a police officer in Zuni is $6.91 per hour. Neighboring agencies, McKinley County Sheriff's Department and Gallup Police Department have starting salaries nearly $2.00 per hour more. The Police department invests much money in training of police officers (as mandated by CFR 25) and without

competitive salaries cannot hope to retain them. An overall fifteen percent increase is needed for police officers to bring salaries to a competitive level.

Law enforcement services in the Zuni Tribe are responsible for animal control enforcement. At present there are no funds available to provide animal control services. The animal control problem is a very serious one. An estimated 250 dog bites per year occur within the reservation. Many sheep and cattle are killed by packs of dogs running at large. It is unsafe for children to ride their bikes or to go jogging in the pueblo. As yet we have been very fortunate that there has not been a serious outbreak of rabies within the reservation, but the possibility is tremendous. To implement animal control, which would be administered through the police department would require at least one full-time animal control officer, shelter facilities, a small pickup with cage, and operational costs - total minimum yearly budget for one full-time office would be $41,161.

We are requesting an additional $241,919 for the Zuni Police Department in the following areas:

a.	Increased personnel (4 officers, 1 jailer/dispatcher, 1 clerical)	$ 99,380
b.	Two (2) vehicles	26,000
c.	Animal Control Services	41,161
d.	Overall salary adjustment	75,378
	Total	$241,927

4. Employment Assistance.

The level of funding is based on the history of actual costs, the number of high school student and tribal census rolls. The Employment Assistance P. L. 93-638 program complements the Higher Education Program. It provides opportunities for vocational training for members of the Zuni Tribe to help improve their living conditions and provides an opportunity to assimilate into a dominant society without fear of education and social handicaps.

The Zuni Tribe is bountiful in human resources, however, the lack of economic development on the reservation

forces members of the tribe to relocate off reservation to obtain training and employment. Contract allocations have been consistently decreasing for the last seven years preventing needed services.

A total of $125,200 is being requested for FY 1991 to assist us in providing vocational training, employment opportunities and improved services.

5. Higher Education.

Funding is based on the 1991 high school and college student census and the actual cost history of student scholarships. The level of funding identified will allow the program to operate on a full time basis.

The Higher Education P. L. 93-638 1990 contract suffered a drastic budget cut which resulted in denial of student scholarships to an approximate ten percent of the applicants. College education among the Zuni People has become of great importance in the past few years, making it impossible to meet the demand on such a minimal budget being allocated each year. Top priority for increase funding should be considered for Indian Education Scholarships.

Therefore, we are requesting a total of $217,300 for FY 1991 to provide education scholarships and services to our people.

6. Agriculture.

On Wednesday, February 28, 1990, Senator Domenici and Congressman Richardson introduced companion bills S.2203 and H.R.4143, cited as the "Zuni Claims Settlement Act of 1990", into both houses of Congress. These bills address the extensive damages that have occurred to our lands on the Zuni Reservation during the latter 1800's and the early 1900's. These damages have occurred, in part, by reason of acts and omissions of the United States in breach of its trust responsibilities to the Zuni Indian Tribe.

We are concerned that the Bureau of Indian Affairs, Zuni Agency, at the present staffing level is not able to fulfill its Trust Responsibilities. Therefore, on behalf of the Bureau of Indian Affairs, Zuni Agency, we are requesting an additional $75,000 on a continuing basis for Agriculture to initiate and implement a Comprehensive Watershed Management Plan. It is our wish

to work together with the Bureau of Indian Affairs to quickly get on with the task of rehabilitation and reclamation of our damaged watersheds and agricultural lands. We must not wait any longer; we must begin now to prevent continued degradation of tribal resources.

7. Forestry.

Issues related to forestry are of concern for our people. It is common knowledge that forest products, primarily fuelwood, fence posts and vigas, are removed from the Reservation without permission. Truckloads of wood are observed by tribal members leaving the Reservation, yet current levels of BIA funding are inadequate to provide personnel and vehicles to enforce anti-trespass regulations. $20,000 is needed immediately to begin addressing this serious problem that depletes our valuable resources and deprives our Tribe of its rightful income.

The Zuni Tribe lacks commercial deposits of natural resources that can be mined. No exploitable deposits of oil, natural gas, coal, uranium or other valuable minerals have been discovered. As a consequence, we must rely heavily on the renewable resources from our forest and grasslands to provide whatever economic return is possible while leaving the land in a productive state. The Tribal Council would like to wisely utilize all its lands, yet forestry funding is inadequate to explore potential markets for forest products from our pinyon-juniper woodlands, which comprise more than 40% of our 419,000 acre reservation. The 1988 BIA special report, Native American Woodland Resources: National Overview clearly shows the significant economic potential from the renewable forest products on these lands. Yet there is inadequate money available even to inventory this untapped resource. One dollar an acre, for a total of $183,099, is required to perform this inventory that will provide the basis for wise use of these lands. We would like this project funded over a three year period (fiscal years 1991 through 1993) and therefore request $60,000 in fiscal year 1991 to get the project underway.

The Forestry program is in a unique position to support the erosion control and rehabilitation efforts of the Agriculture program as directed by the Tribal Council and authorized by the Zuni Claims Settlement Act of 1990. Our well-maintained greenhouse is available to grow tree seedlings that can be planted for soil

stabilization and site enhancement. As you know, President George Bush has endorsed a national tree planting campaign, calling for the planting of billions of trees. We want to be involved at the reservation level. Our greenhouse can easily produce 240,000 seedlings each year. Therefore, we are requesting $144,00 for fiscal year 1991 to plant trees which will stabilize erosive soils and enhance the quality of life of our people.

One other area of great concern is Zuni's need for new fire equipment for wildland fire suppression. Despite the $6,000,000 allocated to the Bureau over a three year period (FY 1990, 1991 and 1992), only $22,000 was given to us to purchase capitalized equipment. This is inadequate, and will not allow us to purchase capitalized equipment. This is inadequate, and will not allow us to replace our 1977 wildland fire engine. Therefore, we request an additional $39,000 to purchase a replacement so that our forest and rangeland will be adequately protected and the Bureau will be able to fulfill its trust responsibility.

In summary, our total forestry additional need for fiscal year 1991 is $263,000. This money will enable the Zuni Tribe, working hand in hand with the BIA, to begin to address the vital issues I have outlined.

SUMMARY OF FUNDING REQUEST

1.	Flood Control for Zuni Community	
	Topographic Survey	$25,000
	Engineering Design & Alignment	250,000
2.	Zuni Community Fire Program	60,000
3.	Zuni Tribal Police Department	
	a. Increased Personnel	99,380
	(4 officers, 1 jailer/dispatcher, 1 clerical)	
	b. Two vehicles	26,000
	c. Animal Control Services	41,161
	d. Overall Salary Adjustment	75,378
4.	Employment Assistance	125,200
5.	Higher Education	217,300
6.	Agriculture	75,000
7.	Forestry	
	Trespass Enforcement	20,000
	Woodland Inventory	60,000
	Seedling Production	144,000
	Wildland Fire Engine	39,000
	Total Funding Request for Zuni	$1,257,419

STATEMENT OF BUCK KITCHEYAN
CHAIRMAN, SAN CARLOS APACHE TRIBE

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
March 14, 1990

Mr. Chairman, the San Carlos Apache Tribe of Arizona requests the following changes to the President's budget request for fiscal year 1991:

(1) an increase of $835,400 for Bureau of Indian Affairs law enforcement on the San Carlos Reservation;

(2) an increase of $935,400 for the Bureau of Indian Affairs forestry program to enable the Tribe to implement a ten-year program of timberstand improvement and reforestation;

(3) an increase of $1,000,000 to enable the Bureau of Indian Affairs Branch of Forestry Resources Planning to launch a national woodland resources management program; and

(4) an increase of $2,000,000 for the Indian Health Service to construct a new permanent health facility to replace the Bylas Health Center, a "temporary" facility installed in 1979.

LAW ENFORCEMENT

Despite major increases in funding for the BIA tribe/agency law enforcement program since FY 1984, the Tribe has received little benefit from these increases.

For FY 1990, Congress added on $100,000 for San Carlos law enforcement. However, owing to Gramm-Rudman-Hollings cuts, the net overall budget increase was only $52,000.

The anticipated FY 1990 funding for San Carlos is $963,000. Of this amount, $150,000 is retained by the BIA for its criminal investigation unit, leaving only $813,000 for the Tribe's 638 law enforcement activities. This amount enables the Tribe to employ 38 persons for patrol, supervision, detention and clerical purposes.

The Tribe's law enforcement program needs additional manpower. The Tribe estimates its needs at 24 police officers (or 11 additional officers) to maintain adequate law enforcement services on the reservation. With 24 officers, there would be one officer for every 1,000 persons for 24 hours per day, seven days a week. Presently, the Tribe has only 13 officers or less than 5 per shift and this has resulted in the following problems:

- o Coverage is poor and response time is long.
- o Overtime pay is excessive. With the limited manpower, the Tribe depends on officers working excessive overtime, which is costly.
- o Accumulation of annual leave is heavy since, with limited manpower, the Tribe cannot afford to give time off.
- o Lack of vacation time results in family problems for the officers, which has an effect on the officer's job performance.

The Tribe believes that, with additional funding, each of the problems can be resolved.

The Tribe has lost good trained people to other Bureau, county or state law enforcement due to the Tribe's low pay which is limited by our 638 funding. It costs the Tribe to train new people and it is very difficult to see these people leave after our program has trained them, but the reality is that these people have to make a living too. The Tribe is paying, perhaps, 20-30% less than BIA, the county or the state. With the additional funding, the Tribe will be able to increase the salaries and make them comparable to the other agencies, and perhaps be able to persuade the other people to come back to the Tribe. The Tribe does not believe its pay scale should be lower than the Bureau of Indian Affairs. In fact, under CFR Part 271 (Contract) part 272 (grant) it states: "Salaries paid law enforcement...shall be equal to or greater than salaries paid officers with similar responsibilities employed directly by the Bureau of Indian Affairs". Additional funds would help the Tribe to do exactly what the regulations mandate.

Present funding allows the Tribe to employ one on-duty officer for every 700 square miles or one for each 2,000 on-reservation tribal members. With a portion of the proposed increase, the Tribe would be able to employ 11 additional officers (3.7 per shift), pay competitive wages, reduce overtime, enable present personnel to take the vacation time to which they are entitled, and to recruit, train, and retain personnel.

A portion of the funding is needed for vehicle replacement and the purchase of police radios. We presently have seven good vehicles, but the rest have odometer readings in excess of 200,000 miles and should be replaced. The new radio repeater installed in January 1987 cannot be used to its full potential since our radios are more than 20-years old. As a result, major portions of the reservation are blacked out, causing serious delays in response time. Furthermore, the tribe lacks funding for handheld radios. This means the patrol officers are out of

communication once they leave their vehicles.

The lack of adequate personnel has resulted in the reservation now serving as a major air-drop for drug trafficking.

For the reason stated below, the Tribe lacks funds to contribute to the law enforcement program.

FORESTRY DEVELOPMENT

The FY 1990 San Carlos tribe/agency budget for forestry totals $514,500 (excluding $71,000 in potential income from timber sales). This is an increase of $220,756 over FY 1989. Most of this increase results from a $200,000 add-on provided by Congress. I can assure you we are putting these funds to good use. They have enabled us to launch a new 638 forestry development program with $190,300 of the funds.

We regret to say, however, that the BIA budget for FY 1991 fails to include the FY 1990 add-on in the San Carlos base, not withstanding Congressional direction that this be done. It is our understanding that this is an oversight by the BIA and does not indicate a lack of support for the San Carlos program expansion.

At one time, the Tribe received as much as $800,000 per year from timber sales. This income, the primary source of revenue for the conduct of our tribal government, stopped abruptly in 1981, owing to prior BIA mismanagement of our timberland resources. The halt in timber sales forced the closure of the only sawmill on the reservation. With the end of timber sales, we lost jobs in cutting and hauling logs, sawmill jobs, and jobs in our timberstand improvement program. Our unemployment rate today is 70 percent.

We believe the BIA's mismanagement of our forest constitutes a grave breach of trust. Failure to reforest our reservation now will expose the federal government to liability for damages of ever-increasing magnitude far into the future. It takes 25-30 years for seedlings planted today to reach marketable size. We are pleased that the General Accounting Office is conducting a study of BIA management of our forestry resource.

The forestry development program we were able to begin with funds provided in the FY 1990 Congressional add-on will mitigate, but not eliminate, these claims for damages decades hence.

We are submitting for the subcommittee record a copy of our 10-year forest improvement plan, prepared by our tribal foresters in consultation with BIA foresters. This spells out, in detail, the need, the proposed activities, and the costs for the first five years.

Full funding of our forestry improvement plan would require an increase of $935,000 to the President's FY 1991 budget, which amount includes the $200,000 FY 1990 add-on that should have been included in the San Carlos base, but was not.

We are pleased to report that if a BIA loan package can be completed, the Tribe will open a new sawmill this year to cut some of the timber that must now be cut for management purposes. This activity will begin to provide the tribal government with at least a meaningful fraction of the forestry income it used to receive, but the amount of available timber is so limited that it will be used up in five years.

WOODLAND RESOURCES

In addition to the critical need for increased funding for our timberland program, the San Carlos woodlands and those of other tribes can become an important source of tribal income and jobs. The BIA has prepared a thorough and careful assessment of the potential for this resource and of management needs, which was completed in June 1988. We strongly recommend that Congress provide full funding for the BIA woodlands program in FY 1990, which is not provided for in the President's budget request.

BYLAS HEALTH CENTER

The Bylas Health Center provides outpatient medical services for residents of the Bylas Community. It also houses several field health programs and has an ambulatory patient volume of approximately 10,000 per year. The physical plant of the Health Center consists of one double-wide and one single-wide trailer. We have had these temporary buildings for eleven years. The Indian Health Service considers 5 years the length of time a "temporary" health facility is to be used.

The San Carlos Tribal Council has been trying for years to get the current facility replaced, and in 1985 passed a resolution requesting IHS to construct a new outpatient health facility at Bylas. In 1987, we understood we were high on the IHS priority list to receive a new clinic beginning in FY 1988. This did not happen. In 1988, IHS reported that "as of this date [January 15] it appears that Bylas is the first among IHS facilities to be submitted." Again, nothing happened. In 1989, an IHS review of the Bylas facility states "it is not built, staffed or equipped at nearly the same level" as some other Indian communities of equivalent, or even smaller, size. IHS added. "There is efficient use of space, but the space available is both inadequate and not properly designed for health care." We are asking that Congress make $2,000,000 available to the IHS so we can, finally, secure proper health care for the citizens of Bylas.

Testimony of the
Navajo Area School Board Association
to the
House Sub-Committee on Interior Appropriations

The Navajo Area School Board Association (NASBA) represents 54 school boards on the Navajo Nation. Navajo enrollment is equal to 43 percent of the total BIA school system and equals 55 percent of the BIA-operated school system. Over the years NASBA has strived to forge a working partnership with the BIA which recognizes and enhances responsible school board control of the school system. NASBA is encouraged by the attention and the commitment shown by Assistant Secretary Brown and Secretary Lujan to improve the system through a process of active participation of tribal representatives. NASBA also recognizes the very difficult task it is to make changes in the Bureau system.

NASBA wishes to bring the following concerns to the attention of the committee:

1. ISEP Shortfall - FY 1990 - The salary increase for teachers and counselors has created a situation where several schools are in an extreme financial bind. The BIA system enrollment increased by 410 students while a decrease had been projected. Sequestration reduced appropriated funds by $2.3 million. The combination of these factors and the fact that the increased funding was distributed through ISEP without regard for which schools would actually be adversely impacted have created the problem. Some schools were much more heavily impacted than others but all received an equal distribution of the available funds through ISEP. Schools with a large number of "status quo" employees who chose to convert to contract status and thereby came under the new pay schedule, were forced to pay especially high salary increases in the first year of the phase in. Contract/grant schools may or may not have chosen to increase their pay schedules at all. The Bureau has been remiss in not gathering comprehensive information on the severity of this problem and acting on it. The problem may in fact be severe enough to warrant a request for supplemental funding in the range of $2.5 to $5.5 million.

2. School Construction - NASBA does not feel that there is anywhere near sufficient funding for school construction. Nor is there a fair and equitable priority system in place. The Office of Construction Management has also informed us that Navajo schools are on hold pending the outcome of a demographic study which may or may not be preceding on a timely basis. This is not part of the published process and seems to us an extremely poor excuse for not considering Navajo projects. Some may require a detailed demographic study but others surely do not.

3. School Facilities and Maintenance - NASBA strongly supports the notion that this important function comes under the supervision of Education. This was the intent of Congress and we want to see it happen.

4. The FY 91 Education Budget Initiatives - NASBA strongly supports the new initiatives for Early Childhood education and Evaluation and Accountability, and supports continuing increases for improving teaching skills and the Effective Schools program. NASBA endorses the participation process for developing implementation plans and recognizes that such a process also costs a considerable amount of money. NASBA would encourage the administration and the Congress to consider an annual appropriation simply for the consultation/ participation process mandated by law.

5. School Board Training Funds - NASBA's full portion of the national school board training fund was omitted by the percentage established by P.L. 100-297. Though apparently an error, this is causing severe reductions in the NASBA training program at a time when there are a considerable number of newly elected board members. A technical amendment is under consideration and we hope this problem will be rectified. Sould the amendment be passed in time, we may be requesting consideration during the year to bring the funding up to the authorized level.

We thank you for the opportunity to present this testimony.

BRISTOL BAY AREA HEALTH CORPORATION
P.O. BOX 130 • DILLINGHAM, ALASKA 99576
(907) 842-5201 or (907) 842-5202

STATEMENT OF THE BRISTOL BAY AREA HEALTH CORPORATION
REGARDING THE FY1991 APPROPRIATIONS FOR THE
INDIAN HEALTH SERVICE

MARCH 29, 1990

The Bristol Bay Area Health Corporation submits the following statement for the record on the FY1991 budget for the Indian Health Service. The Bristol Bay Area Health Corporation (BBAHC) services tribes in 32 villages covering a 46,573 square mile area of southwest Alaska. We provide primary health care to 6,000 Native pepple and to an additional 10,000 transient people between the months of April and September.

We commend to you the recommendations of the Senate Select Committee on Indian Affairs on the FY1991 IHS budget. That Committee has recommended a $1.7 billion IHS budget, or $430 million over the Administration's requested amount. Even this would not meet all needs, but it would certainly contribute to efforts to improve health care services to Native people in Alaska and elsewhere.

FACILIITIES MAINTENANCE AND REPAIR. Even though the BBAHC has a relatively new hospital, we have serious repair needs for the hospital and renovation and improvement needs for the surrounding compound. The Administration has requested only $15.4 million in FY1991 for Maintenance and Repair even though they acknowledge it the FY1991 budget justification that the need in this is "well over $100 million".

We have an urgent need to renovate the roof on our new hospital, a cost estimated to be $1.6 million. The hospital was built with a flat roof, designed to withstand only 30 pounds per square foot. The large amount of snow we have in our area makes this a dangerous situation, and we need to have a pitched roof which will withstand 78 pounds per square feet to withstand the snow, rains and wind prevalent in our region. The safety of our roof is a concern not only to us but also to the JCAHO. Recently the roof at the Alaknagik school collapsed, the a structural beam at the Dillingham School collapsed and there are other reports throughout Alaska of collapsing roofs. The life of a flat roof is only 10-12 years, and ours is approaching the half way point. Because we have to shovel snow off the roof, it puts additional stress on the roofing materials. We hope that these experiences will be taken into account in the construction of the hospitals at Kotzebue and Anchorage, and that they will not be built with flat roofs.

We request $5 million for asbestos removal at our new hospital, at the old hospital facility (now used for administrative offices) and the old housing units.

Other facility improvement and repair needs include $210,000 to repair the electrical system and $64,500 for repair of the plumbing in the old hospital building, , $186,000 for repair of the sprinkler system and $78,000 for repair of kitchen cabinets in the old housing units which have major infection control problems, $500,000-$700,000 for a waste heat recycling system, $350,000 for an alcohol recovery center and a $3 million wing for the new hospital to be used as an alcohol treatment center.

COMMUNITY HEALTH AIDE PROGRAM. We appreciate the support Congress has shown in recent years for the vital, village-based Community Health Aide

Program in Alaska. This program, which provides direct health service to people in rural villages, is both cost effective and the method of health care preferred by people in the villages. We employ in excess of 60 Community Health Aides in the villages in our service area. Statewide, the Community Health Aides provide the only direct health care to 45,000 people in rural villages.

We request that Congress provide an additional $11 million in FY1991 for the Community Health Aide Program $9.24 million through the Hospitals and Clinics program and the remainder through indirect costs. This amount would be consistent with the funding needs outlined in the 1989 report, Community Health Aide Program: The Crisis Remains".

RESOURCE AND PATIENT MANAGEMENT SYSTEM (RPMS). We have a totally untenable situation at BBAHC because of the increased scope of work and costs related to the implementation of the Resource and Patient Management System (RPMS). The data processing for this system used to be done by IHS under contract with Computer Services Corporation in Tuscon, Arizona. The contract was discontinued and we are now responsible for the work, but have not been provided funds with which to carry out the functions associated with the RPMS. We and others are in the postion of providing reimbursable health care services, but receive no financial assistance from IHS to create information and billing systems to recover aviablbe grant, matching and third party funding. For instance, we need approximately $300,000 per year for staffing of the system, $100,000 for computer equipment and furniture associated with the RPMS and $100,000 for remodeling and expansion directly associated with the RPMS.

We note that IHS has requested an increase of $5.8 million for the various hardware needs of the Resource and Patient Management Systems (RPMS), including funding to procure nine computer systems for the largest hospitals and upgrading/replacement of existing RPMS systems at mid-level facilities. We support this increase and request that the BBAHC receive FY1991 monies for our RPMS needs.

THIRD PARTY BILLINGS. We find it hard to believe that IHS facilities will collect $40 million in third party reimbursements in FY1991 as is projected in the Administration's budget. We urge the Appropriations Committees to closely question IHS about this projection for which no justification was provided in the budget book. We estimate that the Bristol Bay Area Health Corporation will collect approximately $700,000 in third party payments in FY1990. We estimate the collection of an additional $300,000 in Medicare/Medicaid reimbursements.

The RPMS system is costly and unecessarily time-consuming. It requries a review of all Medicare/Medicaid claims and does not interface with the IHS third party billing system. We are tied into an IHS billing system over which we have no control. The BBAHC requests that the demonstration projects as authorized in the Indian Health Care Improvement Act Amendments (P.L. 100-713) be swiftly implemented. Under this law, up to four tribes or tribal organizations which are contracting the operation of an entire hospital or clinic will directly bill and receive payment from Medicare, Medicaid and any other third-party payor. The BBAHC is eager to be one of the demonstration sites and has engaged in preliminary discussions on this matter. We belive the demonstration projects will prove that there is a better way of dealing with Medicare/Medicaid and third party billings.

INDIAN HEALTH CARE IMPROVEMENT FUND. The Administration has requested no funding for the Indian Health Care Improvement Fund, a program for which Congress appropriated $10 million in FY1990. IHS estimated in a draft January, 1990 report that it would require $40 million in this program to fund

all Service Units at a level which meets 60% of needs and $530 million to provide funding at level which would fund Service Units at 100% of need. We encourage Congress to appropriate monies for the Indian Health Care Improvement Fund. Without financing for this program, the IHS will take funds from the Areas and Tribes who, while not even coming close to having their needs met, do have, according to the IHS calculations, a higher level of needs met than some other Tribes. This is not a Robin Hood-type situation -- there are no "health rich" Tribes from which to take resources. No Tribe has adequate health services.

We are encouraged by, and concur with, the recommendation of the Senate Select Committee on Indian Affairs, that the Indian Health Care Improvement Fund receive a FY1991 appropriation of $19 million, the same as its authorized level.

BIO-MED PROGRAM. All IHS and tribal health facilities in Alaska have a large number of deficiencies as determined by the JCAHO Th the area of Plant Technology and Safety. The total number of deficiencies found the the JCAHO in Alaska is 667. The Alaska Area receives only one quarter of what is needed to adequately service Bio-Med equipment. For instance, BBAHC has an annual allocation of $50,000 for all of our eqipment. The cost, however, just to maintain services for our X-ray machine is $60,000.

GENERAL LIABILTY. Congress provided in the FY1990 Interior Appropriations Act general liability coverage for IHS and BIA tribal contractors by extending the Federal Tort Claims Act to those entities. However, due to the IHS and BIA's negligence in issuing guidelines on implementation of this statutory directive, tribal contractors have been compelled to continue purchase of costly general liability insurance.

We ask that Congress provide a permanent solution to the general liability coverage issue for tribal contractors in the FY1991 appropriations act. We believe that failure to provide general liability coverage to P.L. 93-638 contractors violates the Indian Self-Determination Act which provides that programs operated under contract are to receive no less than they would if they were operated by the Indian Health Service or the Bureau of Indian Affairs.

We give our heartfelt thanks to the Appropriations Committees and Congress for your provision, through the Federal Tort Claims Act, of coverage for P.L. 93-638 contractors of medical malpractice coverage. Continued coverage under FTCA is essential for health care contractors.

PAY INCREASES. Tribal and IHS programs are having to absorb 100% of the pay increase which went into effect on January 1, 1990, and IHS is asking us to absorb 50% of the pay increase which is expected to go into effect on January 1, 1991. We ask that Congress appropriate money to go along with the pay increases it enacts into law. We appreciate the recommendations of the Senate Select Committee on Indian Affairs and the House Interior Committee that funding be provided to make up for the money we had to eat in FY1990 and the money we are being asked to provide out of our programs come January 1, 1991 for pay increases.

ELIGIBILTIY. We thank Congress for its requirement in the current Interior Appropriations law that the IHS eligibility regulations cannot go into affect unless and until the cost of them is known and money has been appropriated to cover that cost. We are relieved that the Administration is not opposing the extension in FY1991 of the current statutory language prohibiting implementation of the eligibility regulations.

It is possible that you will not hear from many Tribes and tribal organizations this year on the eligibility regulations due to the fact that

the Administration's proposed budget would maintain the current statutory prohibition on the regulations' implementation. We want you to know, however, of our strong opposition to the regulations, and ask that you continue the current prohibition on the implementation of the regulations.

INDIRECT COSTS. The Administration's budget justification says that they are requesting, through a combination of indirect costs and contract support monies, full funding for these needs. The total requested is $100.6 million and it is divided in the IHS budget between $22.6 million for contract support costs and $78.4 million for indirect costs. We are not convinced there is a need for such a division and hope it does not lead to confusion. We note that the BIA in its FY 1991 budget does not distinguish between monies categorized as indirect costs and contract support costs.

We would like the Committee to know that the BBAHC did receive a much-appreciated increase in FY1990 indirect costs funds which will go toward addressing our shortfall in this area.

INCREASED FUNDS FOR CONTRACTORS. In FY1990 Congress provided $19 million under the Hospitals and Clinics program for the express purpose of addressing increased costs associated with programs operated under tribal contracts. We understand from IHS officials that this $19 million is going to be distributed to BOTH IHS and tribal contract programs -- a clear violation of Congressional intent. Unless stopped, IHS will not be providing the 7% increase it had intended for tribal contractors.

Thank you for your attention to the concerns of the people served by the Bristol Bay Area Health Corporation. Please let us know if we can provide any further information regarding our needs.

WRITTEN TESTIMONY

SUBMITTED TO

THE UNITED STATES HOUSE SUBCOMMITTEE

ON

INTERIOR AND RELATED AGENCIES

THE HONORABLE SYDNEY R. YATES, CHAIRMAN

MARCH 30, 1990

SUBMITTED BY

MISSISSIPPI BAND OF CHOCTAW INDIANS
P.O. BOX 6010
PHILADELPHIA, MS 39350

Phillip Martin, Tribal Chief

The Mississippi Band of Choctaw Indians has 5,000 tribal members in eight reservation communities spread over a five county area of east central Mississippi. Tribal members, ninety percent of whom are full-blood Choctaw, have been historically isolated from economic, educational and social opportunities available to surrounding residents. Nevertheless, through aggressive self-determination policies and strong tribal leadership over the past twenty-five years, the tribe has become a model for economic and community development among Indian tribes. During the past decade, the tribe has created more than 1,400 private sector jobs and has contracted all major services administered on the reservation. In its most recent endeavor, the tribe contracted for full operation of all BIA education services beginning July 1, 1989 -- making it the largest single BIA school contractor. The tribe operates six community elementary schools and one centralized high school serving a total of 1,136 students with 110 students residing in the high school dormitory.

The biggest challenge facing the Mississippi Band of Choctaw Indians has been that of teacher recruitment and retention. In planning for implementation of the tribal school system the tribe was forced to develop a teacher pay scale competitive with that of the State of Mississippi. Since 1982, the State of Mississippi has continued a steady course of educational reform

and now spends 65 percent of the state budget on education -- a higher percentage than any other state. Mississippi, with the 1989-90 school year, has completed its four year implementation of an $8,000 increase in the average teacher salary.

The following statement outlines the Mississippi Band of Choctaw Indians' need for 1) FY90 supplemental appropriations resulting from shortages in funds appropriated for teacher pay increases and for transportation, and 2) for continued increases in ISEP allocations over the next several years.

As is described below, critical shortages have occurred during this fiscal year as a result of BIA under estimation of both the BIA student count and the average daily transportation miles for FY90. While the BIA estimated that a $120 increase in the ISEP WSU would be required for supporting implemented teacher pay raises, their underestimation of BIA students resulted in only a $41 distribution per WSU for teacher pay increases. Similarly, a 600,000 mile increase in school transportation needs resulted in a drop in the per mile reimbursement rate to a level far bellow even that of 1986. The Mississippi Band of Choctaw Indians is requesting a supplemental appropriation of $45 per student weight or $65,461 for teacher pay increases already implemented and an appropriation adequate for raising the per mile reimbursement of transportation cost from $1.15 to a minimum of $2.00 per mile.

These needs are not unique to the Mississippi Band of Choctaw Indians or to this fiscal year, however, and combined

with several other factors will continue to require significant increases in ISEP funding for FY91 and beyond. Teacher pay raises, increasing state accreditation requirements, and rising transportation and food service costs all mandate that serious increases be included in the ISEP appropriations over the next few years. BIA education is not going to fade into the background, and Indian demographic information suggest that the BIA is going to find itself with an ever increasing educational responsibility. Twenty percent of the Choctaw population is under the age of six and an additional twenty percent is between the ages of 7 and 14. It is my request that the BIA begin serious planning for upcoming needs.

TEACHER PAY INCREASES

The Mississippi Band of Choctaw Indians, because of implementation of teacher pay increases equivalent to those provided by the BIA, is in need of supplemental FY90 appropriations equivalent to $45 per WSU and will need a FY91 ISEP distribution of $2,643 per WSU simply to meet requirements of scheduled teacher pay increases.

An analysis of salaries for the 87 certified teachers, counselors and librarians in the Choctaw schools who are supported by the ISEP basic instructional program reveals that the average teacher salary for 1989-90 is $1,138 more than it would be under the 1989 BIA education pay scale. In addition, fringe benefits amount to 27 percent of salaries, making the

total increase in teacher salaries for 1989-90 equal to $125,734 or $86 per basic instruction WSU. The BIA, however, only distributed $41 per student weight for teacher salary increases leaving the tribe with a $45 per student weight or $65,461.50 shortfall in its FY 90 basic instruction program. Although the Choctaw Education Pay Scale is not the one used by the BIA to achieve the one-third transition to the Department of Defense teacher pay scale, it does result in average teacher salaries equal to the BIA scale.

Additional analysis reveals that for the 1990-91 school year that implementation of the BIA teacher pay scale designed to increase salaries to a level equivalent to two-thirds those paid by the DOD will require $155,175.41 above current salaries. This will require an additional $107 per basic instruction WSU resulting in a total need of $152 ($45 plus $107) per WSU above the current allocation of $2,491 per WSU. It is important to note that the $2,643 WSU will only keep pace with teacher pay raises already being implemented and will not be adequate for addressing additional needs existing within the BIA Indian School Equalization Program.

While appropriations for ISEP have not been adequate for meeting the above stated needs for salary increases, neither have they been adequate for meeting the increasing cost of rising educational standards, transportation, food services and other non-personnel costs. The Mississippi Band of Choctaw Indians has observed that, while increases in ISEP funding for the past

decade have not kept pace with annual inflation, personnel costs have. This results in decreasing funds for non-personnel costs and needed program improvements. This condition is confirmed by the Congressional Research Report, "Trends in Indian Related Federal Spending," which finds that in constant dollars BIA education funds have fallen from $381.9 M in 1975 to $212.5 M in 1989. As a result, BIA funded schools have been operating with less and less resources, while costs have continued to rise.

INCREASING STATE AND NATIONAL EDUCATIONAL STANDARDS

Throughout the nineteen-eighties, increasing concern about the state of education has lead to increased educational standards throughout the country. Mississippi, in the early 1980's, found itself with the lowest educational achievement levels, teacher salaries and adult literacy rates in the country and embarked on a sustained educational reform effort leading to drastic increases in school expenditures and state accreditation requirements. These changes have significant impact on the Choctaw tribal schools. In addition to ever increasing problems with teacher recruitment, the Choctaw schools, all of which are accredited by the State of Mississippi and the Southern Association of Schools and Colleges, find themselves under an increasing burden for program improvements with substantial budgetary impact.

The most significant requirements for program improvement include requirements for elementary school counselors,

librarians, and school nurses none of which exceed the BIA minimum standards and are not adequately supported by the ISEP formula. Additionally, with the passage of educational reform legislation this term, the State of Mississippi will implement non-graded K-3 elementary classrooms with requirements for an extended school year for children unable to master performance based curriculum objectives during the 180 day school year.

During next year alone, the Choctaw tribal school system must employ three new librarians and six certified school counselors. At an average salary of $22,000 and a 27 percent fringe benefit rate, the cost will be $251,460 or $173 per WSU. It is easy to see that as the average per pupil expenditure in Mississippi approaches the southeastern average of $3,794 that BIA ISEP allocations are less and less adequate for meeting state standards.

TRANSPORTATION

Nowhere has this shortfall been more severe than in the area of transportation. The Mississippi Band of Choctaw Indians operates 22 daily bus routes and several vans for special transportation needs and employs 22 part-time bus drivers for four hours per day. One bus is leased from the tribe and the others from GSA. Personnel and vehicle lease cost are the only two line items included in the tribal transportation budgets, yet, OIEP allocations for transportation provide for less than half of the tribe's transportation budget. The rest must be

taken from basic education funds.

During FY90, the tribe received $1.15 per average daily mile counted during count week, yet operations costs result in expenditures of $2.40 per mile. This may seem like an unreasonable expenditure level at first, but it is a fact that nearly all BIA-operated schools must live with--largely because of the classification of bus drivers on the federal wage grade pay scale and the rising GSA costs of vehicles. In its last year of BIA operation (1988-89), the Choctaw schools hired beginning bus drivers at $8.30 per hour. In the transition of personnel from BIA to tribal employment, previously BIA staff were grandfathered into tribal employment at their BIA rate of pay until such time as they may be eligible for federal retirement. As a result, the tribe, as does many BIA operated schools, has fifty percent of its bus drivers being paid at more than $10 per hour and its average hourly rate for all drivers is $8.79. This situation results in the Choctaw schools spending $135 of each basic instruction WSU for transportation. Although salary cost for bus drivers will possibly decrease in the future as drivers retire from the federal system, this is not likely to create significant savings for at least several years. Unless the adequate funds of more than $2.00 per average daily transportation mile are received, the basic educational program will continue to be required to subsidize transportation costs.

FOOD SERVICES

The same situation is true of food service cost. Again, cooks are paid on a federal wage grade scale resulting annual salaries of $18,000 to $20,000 for experienced cocks. Again, the tribal schools must subsidize fifty percent of student food costs from regular ISEP funds. The current school budget allocates $340,873 of ISEP funds for food services. This is the equivalent of $234 per instructional WSU.

. . . . . .

For the Choctaw schools to maintain state and regional accreditation the ISEP WSU will need to be raised to $3,000 within two years, or the ISEP weighted values for the basic instructional program will need to be increased.

THE UNITED STATES HOUSE OF REPRESENTATIVES

Committee on Appropriations

Chairman Sidney Yates

Subcommittee on Interior

B-308 Rayburn HOB

Washington D.C. 20515

Outside witness testimony

on Indian programs

in fiscal year 9[illegible]

Rice Lake Band written Statement

March 30, 1990

BAND COUNCIL

George D. Aubid Sr.

David Mike Aubid

Mark Kegg

Ed. H. Frazer Sr.

Mr. Chairman and Committee:

We would like to thank you for allowing this testimony to be considered for dialogue and action. The petitioning constituents send your committee our concerns regarding the proposed appropriations and allocations of certain funds to the Mille Lacs Band of Chippewa Indians. These funds include but are not limited to P.L. 93-638 [P.L. 100-472], specifically the Title I funds and other funds from the B.I.A. budget. These funds will be allocated to the Mille Lacs Band of Chippewa Indians on October 1, 1990. We the Rice Lake Band are opposed to this plan that will allow the Mille Lacs Band to take control of this money.

Denied access to self determination grants and B.I.A. funding, the Rice Lake Band is unable to establish itself as an autonomous local government. It is our desire to become economically self-sufficient and be able to acquire the capability to participate in housing, community development, employment and other similar programs through contracts and grants with various federal agencies.

Our problems in establishing local governmental functions are directly affected by the administrative and management planning of the Mille Lacs Band.

1 Increased funding for the Mille Lacs Band Government will not result in increased jobs or housing for our community.

2 Our condition will not improve and necessary assurances that it will improve are lacking.

3 No money has ever been allocated to allow us to meet federal audit requirements or to assist us in building up our tribal capability capacity.

4 The support for the necessary financial and administrative base to carry out local soveriegnty has been seriously jeopardized.

A 20% allocation guarantee of total Mille Lacs Band appropriation shall enable the Rice Lake Band to receive the maximum benefit of adequate technical assistance and training.

What is the background here? Mille Lacs Band of Chippewa Indians are one of the 10 tribes in the Self-governance demonstration project. The Mille Lacs Band of Chippewa Indians are comprised of 5 separate bands of Chippewa Indians. Through legislative actions not of their own, the five bands became one jurisdictional entity. Of the five, the Mille Lacs Band and the Rice Lake Band have been most involved in differences on issues of rights of bands, economic development and political power. For fifty years this has been more or less an unresolved problem.

During 1983, at the urging of the Rice Lake Band, the Mille Lacs Band government agreed to sign an order that included language to create a committee to look into the sovereignty issues for the Rice Lake Band as well as the other bands. The inquiry was never carried out. [See attachment A]

In 1985, the Rice Lake Band sponsored a summit of officials, lawyers and tribal leaders who could mediate the self-governance issues dividing the two bands. Undue Mille Lacs tribal leadership influence lead nowhere. That summer in an attempt to promote self government, the Rice Lake Band tried to separate from the Mille Lacs jurisdiction. Instead the net effect was more Mille Lacs Band influence and control over the other bands. Thus in the last 5 years the Rice Lake Band has been denied services, planning, staff and monies necessary to build the infrastructure that will enable us to function as a sovereign independent government.

The Rice Lake Band's inclusion into the 1934 Indian Reorganization Act's [I.R.A.] creation "The Minnesota Chippewa Tribe" under the auspices of the constituent Mille Lacs Band is debatable. The Rice Lake Reservation was reserved by the 1855 Treaty between the United States of America and the Chippewa of the Mississippi. The arbitrary inclusion of the different reservations, i.e. Rice Lake, into the the 1934 Mille Lacs Band has led to over a half of a century for failure of the I.R.A. This I.R.A. Mille lacs Band has failed to respond to our reservation community for the past year and one half in regard to this self-governance demonstration project.

Therefore, we are in opposition to the Mille Lacs Band of Chippewa Indians' testimony as orally presented by Chief Executive Gahbow who appeared before this committee on 3/15/90. The 2.4 million request and the annual 100,000 dollar grants must be considered when awarding the Rice Lake Band its share. 20% of this appropriation must be guaranteed to the Rice Lake Band.

Skagit System Cooperative
P.O. Box 368 LaConner, WA 98257-0368 Ph. (206) 466-3450

The Honorable Sidney R. Yates, Chairman,
House Appropriations Subcommittee
on Interior and Related Agencies
B308 Rayburn House Office Bldg.
Washington, D.C. 20510-6023

March 28, 1990

Testimony Submitted Regarding: Fiscal Year 1991 NATIVE AMERICAN FISH & WILDLIFE SOCIETY (NAFWS) INITIATIVE FOR FISHERIES AND WILDLIFE MANAGEMENT PROJECTS BY NATIVE AMERICAN GOVERNMENTS.

Dear Mr. Chairman and honorable Committee members,

As many of you remember, 1974 was a pivotal year in contemporary U.S. resource management. In that year, in the landmark U.S. v Washington case, the treaty-fishing right of northwest Indian tribes was formally recognized, restored and mandated into law by the federal court and by Congress.

With that ancient and reserved right came the equally serious responsibility - long an integral part of tribal culture, to manage, regulate, enforce, protect and, if necessary, enhance our salmon fishery resource. For the salmon is the heartbeat of our economy, our society, our native religion.

By 1976, recognizing our responsibility and the limited Bureau of Indian Affairs funding available to us separately, the Skagit treaty tribes formed Skagit System Cooperative(SSC) to pool our resources for the most effective joint management of the salmon and steelhead fishery.

We consider our responsibility awesome in scale: The Skagit River System in northwestern Washington state is the 5th largest river system on the continent. It contributes 1/3 of the freshwater flowing into Puget Sound. It is one of the few rivers left in the world still possessing viable stocks of all species of its wild salmon and steelhead.

In the years since the mid-'70's, our resource management responsibilities have quadrupled. Environmental, development and exploitation pressures on the northwest salmon and habitat have doubled and redoubled like a Malthusian prediction. Equally during the years, our member-tribes have grown in professionalism, technical sophistication and credibility; we are now rightfully recognized, government-to-government, as indespensable co-managers of the Pacific Northwest's most vital natural food source.

But our traditional BIA funding remains at the real-dollar level of over a decade ago. And today's fishery resource is being hammered by today's inflated dollars. We are not keeping up. Our fishers and the non-Indian fishers with whom we share the resource are not making boat payments or taking sportsfish. The salmon population and habitat are shrinking.

Knowing from the hard books of history and daily resource reality that the economy of both the northwestern states and the treaty tribes is healthy only if the salmon resource is healthy, we have joined with 50 other tribes under the FY 1991 NATIVE AMERICAN FISH AND WILDLIFE SOCIETY TRIBAL INITIATIVE FOR FISHERIES AND WILDLIFE MANAGEMENT PROJECTS BY NATIVE AMERICAN GOVERNMENTS.

This $6,361,972 joint request expresses a known, non-bureaucratic need at the tribal level for funds to preserve, protect and develop our principal economic and food resource. We believe this request should be specifically examined, specifically earmarked by Congress so that it not be diluted in layered management or vague discretionary applications.

SSC's own project requests in the amount of $214,600 form part of the NAFWS Initiative. These projects are not vague. They are not hopes. They provide for thousands in food and earnings production not available or sustainable from a continuing government dole.

We strongly recommend that you give close consideration to the Skagit Tribes' specific requests, to the joint requests of other participating tribes, and especially to the specific funding appropriation requested by the Native American Fish & Wildlife Society.

Respectfully submitted,

Doreen M. Maloney, Chairperson,
Skagit System Cooperative

Lac Vieux Desert Band of Lake Superior Chippewa Indians
P.O. Box 446 - Choate Road
Watersmeet, Michigan 49969

TESTIMONY OF JOHN MCGESHICK, CHAIRMAN, LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS, TO THE HOUSE SUB-COMMITTEE ON APPROPRIATIONS FOR INTERIOR AND RELATED AGENCIES CONCERNING THE BUREAU OF INDIAN AFFAIRS BUDGET JUSTIFICATION FOR F.Y. 1991.

Honorable Sidney Yates, Chairman of the Subcommittee and members; I regret to have not been able to appear before the subcommittee in person on March the 14th and 15th at the times of the scheduled oversight hearings for tribal witnesses. However, I am submitting this written testimony on or before March 31, 1990 as prescribed by your staff. Please accept this testimony for the record. Thank you.

You will recall that my Tribe was federally-recognized during the 100th session of Congress under H.R. 3679 and signed into law (PL 100-420) on September 8, 1988. I thank you and your subcommittee for assisting my tribe in securing at least $391,000 in FY90 first year appropriations for "New Tribes" through the Bureau of Indian Affairs. Our testimony for FY90 requested $500,000 for first year funding. We concur with the Bureau's budget request for "New Tribes" of $412,500 for the Lac Vieux Desert Band in FY 91.

Over and above the $412,500 for FY91, we request special set-aside appropriations ear-marked for the Lac Vieux Desert Band as follows:

1. Construction - Buildings and Utilities - $250,000 to provide matching funds in an application to Region V, (Chicago, Illinois) HUD Indian Housing Program to construct a $500,000 multi-purpose Tribal Center building on the reservation at Watersmeet, Michigan.

   The HUD application has already been submitted and the Indian Housing Program will provide $200,000 for planning, administration, and construction; and the tribe has committed an additional $50,000 of its own financial resources representing 20% tribal matching funds in accordance with HUD Indian Programs policy. The break-down is as follows:

$200,000	HUD, Indian Program
50,000	Tribe, Matching 20%
250,000	BIA Matching Construction
$500,000	Total cost of building and utilities.

906-358-4577 Phone
906-358-4785 Fax

The BIA portion of the building will house law enforcement personnel, program and equipment; tribal court system, judicial personnel; conservation department, and related tribal government offices. This is a top priority need of the tribe, as their are no other adequate facilities to currently house these BIA programs.

2. Land Acquisition - $87,500 to begin the purchase of certain private land in and around the original territory of the Lac Vieux Desert Band near Lake Lac Vieux Desert. We requested $40,000 for land acquisition in last year FY90 testimony. This amount was not appropriated. The tribe resides on about 40 acres of land near Watersmeet, Michigan at the present time. The tribe presently owns title to about 84 acres of land near Lake Lac Vieux Desert about 15 miles from Watersmeet, Michigan. These lands have all recently been put into trust with the Bureau since federal-recognition occurred in September, 1988. The Bureau has not historically requested appropriations for land acquisition as authorized under the Indian Reorganization Act of 1934. We request that appropriations be made available for land acquisition at least in the amount of $87,500 for the Lac Vieux Desert Band in FY 91.

3. Natural Resources Development - We support and request that the full funding request of the Great Lakes Indian Fish and Wildlife Commission be appropriated for FY91. The Lac Vieux Desert Band is a member of the Commission and receives financial support for our conservation department relevant to hunting, fishing, and gathering in ceded territories of the Band.

Thank you, Mr. Chairman for the opportunity to present our testimony and we solicit your every consideration. I am John McGeshick, Chairman of Lac Vieux Desert Band of Lake Superior Chippewa Indians. March 28, 1990.

Testimony of
Julia Davis, Chairperson
Northwest Portland Area Indian Health Board
Before the
House Interior and Related Agencies
Appropriations Subcommittee Hearing
on the
Fiscal Year 1991 Appropriations for the Indian Health Service
March 26, 1990

Contract Health Care

In FY 1989, in the Portland Area, there were 4,637 medical and dental procedures needed by Indian people that were deferred by Indian Health Services because of the shortage of Contract Health Services (CHS) funds. The estimated cost of these procedures is $3,345,285 (see Attachment I). They range from a toenail removal to knee replacements to cataract surgery. All are procedures that were recommended by an IHS doctor and all are serious if you are the patient involved.

In other areas, many of these deferred services would be taken care of in the IHS hospital. Because the Portland Area does not have an IHS hospital, these procedures must be purchased with Contract Health Care funds. When CHS funds are insufficient to cover all needed care, medical priorities are used to determine which ones will be authorized for payment. The Portland Area has been on Priority I, the most restrictive level of care, since FY 1981. The level of care provided in Priority I is described in Attachment II.

If you consider that as many as 20,000 medically prescribed procedures have been deferred just over the last five years, you realize that the money that Congress has been appropriated to date for deferred services that has reached the Portland Area, has only scratched the surface. Actually, in FY 89 the Portland Area had to use over $200,000 that was appropriated by Congress for deferred services just to meet the Priority I needs of the Area.

Suggested Appropriation

If Congress were to appropriate an additional $3 million in recurring Contract Health Service funds to the Indian Health Service budget specifically for the Portland Area, the backlog of deferred services would begin to be taken care of and the Area would greatly improve its ability to provide to Northwest Indians the same level of health care that is available to Indian people in other parts of the country.

STATEMENT

BY

PRINCIPAL CHIEF WILMA P. MANKILLER

OF THE

CHEROKEE NATION OF OKLAHOMA

ON INDIAN PROGRAM FUNDING

SUBMITTED TO THE

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

OF THE

HOUSE COMMITTEE ON APPROPRIATIONS

Mr. Chairman and members of the House Subcommittee on Interior Appropriations, I appreciate the opportunity to present this statement outlining the most important funding needs of the Cherokee Nation of Oklahoma for Fiscal Year (FY) 1991. The funding requirements discussed below are those which fall under the Bureau of Indian Affairs and the Indian Health Service.

I. Appropriations Related to U.S. Trust Responsibilities

Last year, with the guidance and support of this Subcommittee, the Congress ultimately appropriated $520,000 for FY 1990 to fund cadastral surveying of tribal lands in the Arkansas Riverbed in eastern Oklahoma. This appropriation went a long way toward responding to the calls of the Cherokee Nation, together with the Choctaw and Chickasaw Nations, for the Department of Interior to complete long-overdue cadastral surveys, resolve land title disputes, and remove trespassers from our tribal lands in the Arkansas Riverbed.

As we explained in our statement to the Subcommittee last year, the area to be surveyed is a 96-mile stretch of the Arkansas River owned by the Cherokee, Choctaw and Chickasaw Nations and held in trust by the U.S. Government. After the Supreme Court granted ownership in the riverbed lands to the tribes in Cherokee, Chickasaw and Choctaw Nations v. The State of Oklahoma, 397 U.S. 620 (1970), the Department of Interior acknowledged that the riverbed's boundaries would have to be identified. Accordingly, the Department's budget request for FY 1973 proposed $2.2 million for a 5-year program to estimate the value of and to survey precisely the Arkansas Riverbed lands. Although the Congress funded part of that request, unfortunately the program was never fully funded. Not until 1988 did the Department commence the riverbed surveying. A mere $50,000 was allocated for Arkansas riverbed surveys, resulting in surveying of only 5 sites. To date, not one of these surveys has been approved or certified by the Bureau of Land Management! This is true even after $30,000 more was allocated to aid in accomplishing certification of the surveys of 4 of these sites.

Last year, the Congress responded to our calls and appropriated $520,000 to expedite this urgently needed survey work. Equally important, the Congress directed the Department of Interior to recommend an FY 1991 funding level "necessary to continue this expedited pace of surveying."

The Cherokee Nation is deeply concerned that the Department has ignored this Congressional directive and requested only

$125,000 to continue cadastral surveying of the Arkansas Riverbed lands in FY 1991 and in the next 2 years. To the Cherokee Nation, and likely the Choctaw and Chickasaw Nations, this level of funding is not acceptable. It will not permit a continuation of riverbed surveying at the "expedited pace" mandated by the Congress, but rather is the minimum level the Department intended all along to spend on surveying, not caring whether the process took 3 years or 20 years.

The Cherokee Nations urges the Subcommittee on Interior Appropriations to inquire into the two Bureaus' activities on this issue and to recommend for FY 1991 the same level of funding for cadastral surveying of the Arkansas Riverbed as approved last year. It might also be helpful to recommend that a small portion of that amount be allocated to the office or offices responsible for certifying the completed field surveys so that the Department can fulfill it equally important trust responsibility to the tribes: pursuit of quiet title and trespass litigation.

B. Funding of Arkansas Riverbed Authority Operations

Last year, the Congress also responded to the request of the Cherokee, Choctaw and Chickasaw Nations to fund adequately the operations of the Arkansas Riverbed Authority. This Authority represents all three tribes in: overseeing the conduct and completion of riverbed surveying; researching and maintaining files on all trespass sites along the river for litigation, negotiation and preparation of leases and/or easements; developing long-range tribal use plans for economic development

along the river; acquiring appraisals of various sites for the pursuit of litigation or for economic development purposes; reviewing notices issued by the Bureau of Indian Affairs and Corps of Engineers for leases, easements or permits; and abstracting land title records of sites along the riverbed. The Arkansas Riverbed Authority is accomplishing these various objectives with its own staff, coordinating activities with the tribes, and Bureau of Indian Affair's officials, and contracting out for services such as appraisals of sites for litigation or economic development, and for abstracting land title records.

The Arkansas Riverbed Authority has prepared a careful budget for expenditure of its FY 1990 funds. In order for the Authority to continue its fine work in monitoring the cadastral surveying and litigation preparation activities of the Department of Interior, we urge that the Congress appropriate for FY 1991 the same level of funds ($150,000) as it made available for the Arkansas Riverbed Authority in FY 1990. In addition, we request that the Bureau of Indian Affairs be directed to allow the Authority to carry over any unused portion of the funding allocated to it for FY 1990. The Authority will have urgent need for those funds for abstracting purposes once the Bureau of Land Management finally certifies the field surveys that have been awaiting approval. It is critical that the funds are available when needed.

C. Study Funds for Arkansas River Tributaries

Just as the Cherokee Nation was granted title to the Arkansas Riverbed lands under Article III of the 1835 Treaty of

New Echota (7 Stat. 478), the tribe also received title to the bed and banks of the Grand and Illinois Rivers. Last year, both the Cherokee Nation and the Special Committee on Investigations of the Senate Select Committee on Indian Affairs made inquiries about the Grand River to the Department of Interior. The Department's Regional Solicitor in Muskogee, Oklahoma acknowledged that, in fact, the Cherokee Nation had received title to the bed and banks of the Grand River. The Regional Solicitor noted that the principal issue was "whether the allotment of tribal lands along the Grand River in the early 1900's resulted in patents conveying tribal lands to the thread of the river or only along the high water mark". He further noted that the plats he has seen show the boundaries of the Indian allotments meandering along the edge of the stream. If that is the case, as the Cherokee Nation understands it to be, a significant and valuable part of the Grand River is Cherokee Nation tribal land. The same may also be true for parts of the riverbed of the Illinois River, another tributary of the Arkansas River.

Accordingly, the Cherokee Nation requests that $200,000 be appropriated for FY 1991 for use as litigation support funds to investigate the ownership of the riverbed of the tributaries to the Arkansas River, specifically the Grand River and the Illinois River, that originally were set aside as Cherokee Nation tribal land by the 1835 Treaty of New Echota.

II. Indian Health Service Appropriations

A. Stilwell, Oklahoma Health Care Center

In FY 1988, the Indian Health Service placed the Stilwell Health Center on its priority list for construction funding. For several years, the Congress considered and funded other Indian health projects and had to pass over the Stilwell project. This year the Indian Health Service has raised the Stilwell project's priority listing. The Cherokee Nation urges that the Phase I funding for the Stilwell replacement clinic be appropriated for FY 1991.

The existing clinic is now housed in an old, wood-frame, three-bedroom house in Stilwell, Oklahoma. It is grossly inadequate to fulfill the growing health needs of Stilwell and the surrounding service area which has been classified as economically deprived and medically underserved. The primary care provider visits exceed 12,000 per year, and the dental service workload is 197,680 minutes per year.

The new replacement health center will provide ambulatory health care services, including comprehensive, preventive curative and rehabilitative health care. The expanded required services include radiology, optometry, public health nutrition, mental health, social services, health education, and specialists provider services staffed by the Tahlequah Service Unit Hospital.

The current plans call for a new Stilwell Health Center of roughly 35,000 square feet, nearly 9 times the size of the tiny delapidated house now used for the clinic. The revised cost

estimate is $572,000 for Phase I, Design Completion, which is expected by July, 1992. The Indian Health Service budget estimates are roughly $2.8 million for Phase II, Construction Commencement, through October, 1992, and $3 million for Phase III, Construction Completion, expected by January, 1994.

The Cherokee Nation ranks the Stilwell Replacement Health Clinic as its Number One health care priority. We urge the Congress to appropriate sufficient Indian Health Service construction funds to permit Phase I funding of the Stilwell Health Center.

B. Sallisaw, Oklahoma Replacement Clinic

The Cherokee Nation was very pleased that the Congress appropriated $3,759,000 for FY 1990 funding for the Sallisaw Replacement Health Center. This urgently needed replacement clinic will service 6,000 patients. The tribe has been working for years to secure an appropriate site and sufficient funding for this clinic. Finally we located a site, and initial Congressional action on the FY 1990 Indian Health Service construction budget resulted in preliminary approval of $4,165,000 for the clinic. Subsequently, confusion arose as to whether the Indian Health Service had accurately recalculated a revised estimate of $3,759,000 for the clinic's construction costs. Consequently, the conferees on FY 1990 Interior Appropriations agreed that, if additional funds are needed for this project during FY 1990, additional funds may be reprogrammed

to this project to provide up to $4,165,000 from available, unobligated construction funds.

Although we seem to continue to encounter obstacles to prompt completion of the Sallisaw Replacement Clinic, the project currently is on track. Site acquisition has finally been completed. The Cherokee Nation has negotiated a contract with the Indian Health Service's Office of Engineering Services in Dallas, Texas to oversee the clinic's construction. The tribe also has selected a qualified architechtural-engineering firm to subcontract for design of the clinic. Assuming that the design contract can be executed and timely performed, the construction contract should be awarded in late 1990.

It may not be possible in FY 1990 to determine whether or not there will be a shortfall in funding for the Sallisaw clinic. Therefore, the Cherokee Nation requests that the House Subcommittee on Interior Appropriations include language in its report which reiterates that, if additional funds beyond the FY 1990 appropriation of $3,759,000 are needed for the Sallisaw Replacement Clinic's construction, the Congress will agree that the Indian Health Service may reprogram for the project such additional funds up to $4,165,000 as may be needed for the project's completion.

II. Conclusion

The Cherokee Nation is grateful for the opportunity to submit this statement. We will be happy to provide to the

Subcommittee any additional information that may be needed during deliberations on FY 1991 appropriations for the Department of the Interior and related agencies.

In closing, Mr. Chairman, I want to extend special thanks to you and your colleagues who determine appropriate funding levels for Indian programs. We at the Cherokee Nation know that federal funds are scarce and that the demands on them -- and consequently, on you -- are great. That is why we have tried to limit our requests to only those programs most urgently in need of funding support in FY 1991. We know you will give our requests careful consideration, and we hope the Subcommittee will act on them favorably.

Thank you.

NORTON SOUND
HEALTH CORPORATION

P.O. BOX 966
NOME, ALASKA 99762
(907) 443-5411

STATEMENT OF THE NORTON SOUND HEALTH CORPORATION
REGARDING
FY1991 INDIAN HEALTH SERVICE BUDGET
March 29, 1990

The Norton Sound Health Corporation (NHSC) submits the following statement for the record regarding the FY1991 Indian Health Service budget. The Norton Sound Health Corporation provides health services under the authority of Public Law 93-638 to people in fifteen Native villages of the Bering Strait Region and the City of Nome, Alaska. Our service area covers 25,000 square miles and a service population of over 8,000 persons.

COMMUNITY HEALTH AIDE PROGRAM (CHAP). We request an increase of $11 million in FY1991 for the Alaska Community Health Aide Program, the program which provides the only direct health care to 45,000 people in rural villages. We appreciate the Congressional recognition of this program in providing $5 million increases in each of the past two fiscal years. The funding for this program is currently $15.5 million, which still leaves an $11 million shortfall.

NHSC operates one of the four Health Aide Training Centers in the state of Alaska. The Health Aide Program is the foundation of our very existence as a health corporation. Our Training Center and the others in the state are funded at only 60% of need. In FY1989 only 40% of practicing Community Health Aides had been certified and 58% of the CHAs had less than eight weeks of basic training. These numbers will improve somewhat in the current fiscal year, but even if we receive the $11 million increase requested for FY1991, it will take three years and an addicional training center to provide at least one basic training session to the CHAs.

Everyone is aware of the cost effective nature of the Alaska CHAP program. Our Health Aides have experienced approximately 30,000 encounters in FY1989. If one took just the travel costs for these 30,000 patients to come to Nome -- not to mention doubling clinic and physician staff capacity -- the travel expenses would be $4.2 million -- far more than what it costs to operate our training program and to employ these Aides. The Health Aide Program also provides one of the few job opportunities for village residents, and, therefore, positively impacts the rural economy.

HEALTH FACILITIES. We have two facilities needs: 1) renovation of the old portion of our hospital, including building of a new wing and the provision of office space in which to administer the hospital and health services and 2) the addition of three village-built clinics.

The villages in our region are very concerned at the continued failure of the Indian Health Service to include the Norton Sound Health Corporation's need for hospital construction in in the priority rankings. We have been given changing interpretations of why no action has been taken. First, we had to be scheduled for a "Deep Look" survey. Our facilities were finally inspected in April 1989. We received a rough draft of that inspection report. When we recently asked for a copy of the final report we were told by IHS that it had been sent to us on June 20, 1989. The report sent on June 20, 1989, however, was not a complete or final report. Now we are also being told by IHS that further action on its construction priorities are frozen, pending a review of the IHS health facility construction program by the Congress. This IHS position was restated by Mr. Bill Pearson of IHS at the March 22nd hearing before the Senate Select Committee on Indian Affairs. There is, however, no pending legislation in either the House or Senate which would affect the IHS priority construction list. We believe IHS has used the Senate Select Committee on Indian Affairs hearing as a ruse to ignore our and others' requests to be placed on the IHS priority construction list.

We do not believe Congress intends to delay movement on addressing the critical health facility needs of Indian and Alaska Native communities in urgent, factually-established cases such as ours. Our 1948 building does not meet minimum hospital and health code requires and has serious building code violations. Renovation costs for the 1948 portion of our building would be $13,021,836. The building has passed its functional life expectancy. We have critical needs for improvement in ventilation and labor and pediatric space in the 1978 hospital addition. A schematic design containing additional detail has been prepared for us by Livingston, Slone, Inc., which we will be glad to share with your Committee.

In addition to the renovation work on the 1948 portion of our hospital, we are in dire need of office space with which to administer the hospital and the 26 health programs we provide. Currently situation the administration of health programs is scattered throughout Nome, and we need to centralize hospital and health programs administration. Centralization would result in better service to people who would no longer need to take cabs from location to location in brutally cold and stormy weather. It would also reduce overhead costs and make more efficient use of equipment and clerical pools. We estimate the cost of providing office

space for hospital and health programs administration would be $3 million.

We urge that funds be provided by the Congress to meet these critical health facility needs, that the IHS construction priority ranking system be "unfrozen" and that the IHS be authorized to make commitments to lease health facility space in situations in which tribal organizations are able to put together a construction financing package contingent on such a commitment.

We understand that 165 village-built clinics now exist in Alaska. The total authorization for village-built clinics is 170 and this number needs to be increased. The area served by the Norton Sound Health Corporation needs village-built clinics at Shishmaref, White Mountain and Savoonga at a cost of $250,000 each.

PATIENT TRAVEL. Limited funds for patient travel in Alaska have severely impacted the quality of health care for Native people, with travel funds being available for only the most life-threatening situations. A report issued in February of this year, Access to Care - A Preliminary Report documents the high cost of transporting people by airplane to medical facilities and the shrinking proportion of funds available for patient travel in Alaska.

While people in the lower 48 states have a federally subsidized highway system with which to access health care, only 15% of Alaska's communities are connected by a road system and even then, most of the roads are closed in the winter. We have no federally subsidized air service to make up for the lack of a federal highway system.

The cost of going from Koyuk (one of the villages in our service area) to the hospital in Nome for a one day trip is $447.50. This is includes $170 for roundtrip airfare, $83.50 for the average visit fee, $44 for the average laboratory fee, $15 for the pharmaceutical fee and $135 for one night at a hotel. The cost of sending a patient from Nome to the hospital at Anchorage is $468 just for airfare. Of course, the expense from the village into Nome must also be taken into account. Rural Alaskans, many of whom live a subsistence lifestyle, simply do not have the financial resources to pay these transportation costs.

We request that $4.2 million in FY1991 IHS monies be made available for patient travel in Alaska, and attach to our testimony the Access to Care Report.

CONTRACT HEALTH CARE. We are very concerned that the Administration's $250 million request for contract care is inadequate . It's request represents only a 5.6% increase

over the FY1990 appropriated amount and will cover only built-in costs increases. The FY1991 budget justification gives no estimate on the FY1990 shortfall in contract care, a shortfall which we believe is severe. In the last days of FY1989, after months of reported shortages in contract care monies, $3 million was reprogrammed into contract care. This was too little too late. In our region patient travel was severely restricted; we also had instances of people stranded in Anchorage due to lack of funds to fly them back to their villages.

REGIONAL TREATMENT CENTERS. Alaska has two regional substance abuse treatment centers for youth, one in Sitka and the other in Fairbanks. While these centers are operational, they must be renovated. Even with some available renovation funds, the shortfall is $300,000 and we request that this amount of money be appropriated.

PAY INCREASES. We ask that the FY1991 appropriations provide funding to cover the pay raise anticipated to take place January 1, 1991, instead of tribal and IHS programs absorbing 50% of the required pay raise as proposed by the Administration. We will be hit hard in FY1990 with the absorption of 100% of the pay increase which went into effect on January 1, 1990. IHS and tribal programs also absorbed the $10 million in special pay for Commissioned Corps Officers, which we feel is entirely inappropriate. We are encouraged by, and concur with, the request of the Senate Select Committee on Indian Affairs that $15 million be added to the FY1991 budget to recapture pay increase costs which were absorbed by IHS and tribal programs and that $10 million be provided to cover the costs of the pay increases for the Commissioned Corps physicians.

Thank you for your attention to our concerns. Please let us know if we can provide further information.

Testimony of Stephen A. Janger, President, Close Up Foundation
Presented to House Subcommittee on Interior and Related Agencies
The Honorable Sidney R. Yates, Chairman
March 30, 1990

Mr. Chairman, distinguished members of this subcommittee, my name is Stephen Janger and I am president of the Close Up Foundation. It is my distinct privilege to present you with this testimony to report on some important dimensions of our work in civic education and to respectfully request a modest increase in funding for the Department of the Interior's Bureau of Indian Affairs and Office of Territorial and International Affairs. Specifically, we are requesting that funds be included in the Department's Fiscal Year 1991 Appropriation to provide for a technical grant which assists Close Up's Native American and Native Alaskan outreach. We also request that funds be included to provide for a technical grant which assists Close Up's Pacific Island outreach.

We are proud that Close Up has grown since 1970 to become the nation's largest nonprofit, nonpartisan citizenship education organization. Annually, we bring more than 26,000 students, teachers and older Americans to our nation's capital to learn firsthand about the individual's role in our pluralistic democracy. From the beginning, we have targeted at-risk populations: students who are economically, geographically, or socially disadvantaged and those who are physically challenged. Close Up also has designed significant civic education outreach programs.

Three years ago Close Up was honored to be approached by Members of Congress who, aware of our special focus on underserved populations, expressed interest in expanding our work with Native Americans, Native Alaskans, and students in the Pacific Territories and Freely Associated States. The funding this Subcommittee has appropriated for the past three years has had a profound effect on our work with students and educators from these regions. In addition to our ongoing work with these special students, during this time the Interior grants have allowed us to increase participation by 541 Native American students and their teachers, 205 Native Alaskan students and their teachers, and 727 students and teachers from the Pacific region. Mr. Chairman, on behalf of nearly 1500 students and teachers we have served as a direct result of the Interior Department grants, we thank you for your past support of this special program. These students have begun to arrive in Washington, and many of you may have observed them on Capitol Hill. In the coming weeks, additional Interior grant participants will be arriving in Washington. We hope you and your colleagues may have the opportunity to meet some of these participants and hear for yourselves how much this opportunity means to them.

Close Up Foundation Pacific Islands Outreach: Experiential learning is one of the cornerstones of the Close Up methodology. For Pacific Islanders, the opportunity to witness firsthand how the American model of democracy functions helps foster the interest, knowledge, and skills needed to participate effectively in the democratic process of government in a very tangible way. A key message Close Up imparts is that the information and skills developed in Washington should be taken back to the individual's community and put into action. Equally important, Islanders are mainstreamed with peers from various communities throughout the United States. This affords each participant an opportunity to increase mutual understanding of the cultures and concerns of America's diverse citizenry and the populations of areas with which we have a special relationship.

This year, 212 participants from the Pacific Islands will participate in this specially designed program. Beginning in Washington for a week long study of American history and government, they will continue exploring the roots of

government in Williamsburg, Virginia, and visit Philadelphia to examine the origin of the Constitution and its impact on other constitutions such as those in the Pacific regions. A visit to New York City will allow students to study the contributions of many different cultures both currently and historically. Participants will examine the role of a Constitution which responds to diverse groups. Close Up respectfully requests a modest increase to enable us to continue the program in 1991 and to provide additional resources to enhance their learning.

Economic development is a critical issue facing the Pacific Territories and Freely Associated States. This year, Close Up will involve four students and one educator from each of the six areas in Close Up's annual Pacific Basin Conference. The conference, held in San Francisco each year, focuses on the interdependence of the Pacific Rim countries and international trade in the region. Emphasis is placed on economic power in the Atlantic and Pacific regions and the fiscal, social, and cultural implications of trade. Close up requests funding to allow the continued participation of up to 30 islanders in the 1991 Pacific Basin Conference.

A critical aspect of Close Up's work relates the students' program experience to life at home. To reinforce Close Up's message that individual involvement is fundamental to a healthy community - indeed to a healthy democracy, Close Up has established volunteer networks who organize local programs. A combination of students, educators, and community leaders typically comprise these volunteer teams. In order to provide teachers with the skills and knowledge to organize such activities, Close Up will host its Connections '90 Conference this summer. Veteran local program planners and Close Up staff will take teachers through a step-by-step process that will result in final program plans. The 1990 Appropriation includes funds to allow twenty four Pacific Island teachers to participate. We respectfully request funds to allow Close Up staff to provide additional technical assistance as the local program plans are developed and implemented. A select group of highly trained staff will provide teacher enhancement assistance.

Teacher inservice training is a critically needed resource for all teachers. For teachers in remote regions, however, it is all the more vital. Last year, Close Up requested forward funding for a conference to be held in the Pacific Region in 1991. While the full amount requested was not included in the FY90 Appropriation, planning monies were provided to Close Up.

I am pleased to say that we are progressing in the development of the conference. There is tremendous enthusiasm among educators and administrators in the six Pacific areas for what we all anticipate will be a meaningful educational tool. Mr. Chairman, we respectfully request $106,000 for a regional conference that will bring educators, policymakers, and government officials together to learn methodologies for developing critical thinking and analytical skills, examine in detail Close Up's successful experiential model for teaching civics and government, and provide much needed educational resource materials for classroom use.

FY90	FY91 Request
$935,000	1,025,000

* * * * *

Close Up Native Alaskan Outreach: For the past three years, with the assistance of a grant from the Bureau of Indian Affairs (BIA), Close Up has been able to increase significantly the participation of students and educators from the most isolated and remote regions of Alaska.

For Native Alaskans, there is a profound need for civic knowledge, yet geographic, economic and cultural differences can create powerful barriers. This special outreach program allows Close Up to demonstrate to students that barriers can be broken, that they can truly make a difference, and that they live in a responsive society. This year we anticipate approximately 100 students will take part in Close Up as a result of this outreach program. Mr. Chairman, we respectfully request a modest increase in funding to allow us to continue to reach out to Native Alaskan students and their teachers.

Earlier, I discussed the successful Pacific Basin Conference which Close Up conducts. We would like to request funding to allow up to 14 students and educators to participate in this conference. The issues discussed have significant implications for Alaskans and the inclusion of Native Alaskans would provide a unique perspective to discussions on the Pacific Rim Basin.

Close Up will be participating in the upcoming Alaska Federation of Natives annual conference. Mr. Chairman, the student component will involve approximately 500 Native Alaskan students from throughout the state. We respectfully request funding to assist Close Up conduct a teleconference to enhance the students' experience and link them with experts in Washington.

FY90	FY 91 Request
$117,000	$156,000

* * * * *

Close Up Foundation Native American Outreach: Like their peers in Alaska, Native American students feel the effects of geographical and cultural isolation. Our work with representatives of Indian education organizations to target students and teachers from the Bureau of Indian Affairs/Community Tribal Schools has been extensive. As a result of the FY90 Interior Department grant, we will involve this program year 143 students and 37 teachers in our civic education programs. Close Up requests funding to increase the outreach to 43 educators and 160 students.

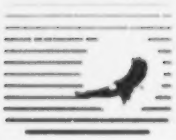
This year, Close Up produced a teleconference in conjunction with the National Indian Education Association's annual meeting. The program, which was aired live and reaired on C-SPAN, focused on the troubling effects of alcohol on Native Americans. We request funding to permit Close Up to conduct another teleconference at the upcoming NIEA meeting, as well as producing a televised program at the National Indian School Board Association conference.

This summer, with FY90 funding, BIA and Community Tribal School teachers will also take part in Close Up's Connections '90 Conference. We respectfully request funding to assist Close Up in providing follow up assistance and support to implement the local programs developed during the Conference.

FY90	FY91 Request
133,000	$162,000

* * * * *

Mr. Chairman, much more needs to be done with these students and educators with respect to civic education. For this reason, we respectfully request that funding again be included in the FY91 Department of Interior Appropriation bill. Our request of $1,343,000 represents an increase of approximately 13 percent over last year's figure of $1,185,000. We thank you and members of this Subcommittee for your past support of our work and would be happy to respond to any requests for additional programmatic or budgetary detail.



FIRST NATIONS FINANCIAL PROJECT

69 Kelley Road • Falmouth, Virginia 22405 • (703) 371-5615

Testimony of First Nations Financial Project
before the House Interior Appropriations Committee
March 30, 1990

First Nations would like to take this opportunity to express our concern with the Bureau of Indian Affairs' (BIA) request for appropriations for Indian trust fund management. Our concerns relate to the BIA's request for monies to finance the contract with Security Pacific National Bank (SPNB) and the proposed audit of the trust accounts as required by a proviso in the Interior Appropriations measure (P.L. 100-446). Based on the past performance of the BIA in the management of the trust funds, Congress needs to take action to ensure that the contract and the proposed audit warrant appropriations. The BIA should first be required to provide justification for the monies and then be held accountable for any expenditures.

In September, 1988, the BIA signed a contract with SPNB for cash management, accounting and investment services. Cost savings and improved management were cited as justification for the contract yet a recent Congressional hearing by the House Subcommittee on Environment, Energy and Natural Resources to review the implementation and progress of the contract uncovered costly delays and vague provisions which allowed the contractor to collect huge fees despite non-performance. The savings and improved management cited as justification for the contract have not been realized and it is not likely that they ever will be if the BIA proceeds under the current contract.

The BIA's history of mismanagement and alleged abuse of the trust accounts indicate that a careful review of any action by the BIA is critical. The fiduciary relationship between the federal government and the tribes imposes strict liability on the trustee for failure to monitor the behavior of a federal agency charged with carrying out the trust relationship. We therefore ask that before any more monies are appropriated for either the contract or the proposed audit, Congress review the management activity to date to see if additional monies are warranted.

It is First Nation's position that additional monies should not be appropriated until further reviews are held and there is a commitment on the part of both the BIA and SPNB to modify the existing contract to ensure compliance and measurable progress. Without such a commitment, the BIA will continue to pay $50,000 a month on a contract that has to date produced nothing. If a careful review of the audit requirements set out in P.L. 100-446 is not done and used when developing the RFP for audit services, another useless contract will result.

recycled paper

The audit requirements created by P.L. 100-446 direct the BIA to audit and reconcile the accounts, provide the tribes with an accounting of such funds, and consult with appropriate committees of Congress and the tribes as to the terms of the proposed contract or agreement . The proviso is a clear mandate for the BIA to audit and reconcile the trust funds as a condition precedent to the transfer of any funds for management by a third party and to consult with tribes and Congress before a contract is awarded. Recent activity by the BIA indicates that they intend to move forward on the audit, without regard to the congressional directive.

In February 1990, the BIA developed a Request for Proposals (RFP) for accounting services. Under the RFP, the BIA proposes the following schedule for the audit:

FY'90 -- audit the accounts of the 37 largest tribes
FY'91 -- audit the accounts of the remaining tribes
FY'92 -- start to audit the accounts of individual Indians

This RFP was developed without tribal or Congressional consultation. Under this schedule, the trust funds will not be available for transfer until 1992 at the earliest. In the meantime, the BIA will continue to pay $50,000 a month to SPNB for accounting and cash management services. The contract with SPNB was developed by the BIA without consulting outside experts. Deliverables were not clarified and deadlines were not specified within the contract, rendering it virtually unenforceable by the BIA against SPNB.

The schedule proposed by the BIA does not serve the best interests of the small tribes or the individual account holders. It is our fear that once the accounts of the 37 largest tribes, or $1.3 billion, are audited, there will be little incentive for the BIA to audit the remaining accounts. The BIA has stated that they intend to remove the Individual Indian Money (IIM) accounts from the contract. This means the BIA will retain the responsibility of managing and accounting for the funds of smaller tribes and individual Indians. This would be in direct conflict with the initial justification for the contract, namely, that the BIA lacked the expertise necessary to effectively manage or account for the trust funds.

First Nations has researched private trust law for the purpose of reviewing the obligations owed by trustees to beneficiaries. Case law indicates that tribes and individual Indians are afforded the same rights and standards of care as private beneficiaries. There are federal statutes which impose responsibilities and standards of performance on private sector money managers, and by analogy, on the BIA as trustee. The Investment Company Act of 1940, the Employment Retirement Income Security Act of 1974 (ERISA), and regulations of the Office of the Comptroller of the Currency (OCC), for instance establish

fiduciary standards for other federal agencies. When the BIA's performance is measured against these standards, their performance is found to be wanting.

Failure to comply with the statutory obligations exposes the trustee to suit for breach of fiduciary responsibility. There is no question that the mismanagement and losses of the Indian trust fund has exposed the federal government to suit. The only question would seem to be the amount of damages. If action is not taken immediately to ensure a proper system of management and oversight of the contract and accounting services, the amount of damages will continue to increase.

First Nations urges this committee to take immediate action to safeguard the integrity of the trust relationship. Congress needs to review the statutes and standards of care imposed on private trustees. Indian beneficiaries are, at a minimum, guaranteed the same rights as private beneficiaries and it is up to Congress to monitor and ensure compliance.

WRITTEN TESTIMONY

Submitted to the:

U.S. House Appropriations Sub-committee on
Interior and Related Agencies

Honorable Sidney Yates, Chairman

-Fiscal Year 1991 Interior Appropriations-

Submitted on behalf of:

Sinte Gleska College
P.O. Box 490
Rosebud, South Dakota 57570

Irene Bordeaux, Chairperson
SGC Board of Directors

and

Lionel R. Bordeaux,
President

March, 1990

Written Testimony-FY'90 Interior Appropriations
U.S. House Appropriations Sub-committee on
Interior and Related Agencies
The Honorable Sidney Yates, Chairman

SUMMARY STATEMENT

Sinte Gleska College is a young and growing higher education institution chartered by the Rosebud Sioux Tribe in 1971 to design and deliver appropriate post-secondary programs, services and opportunities for the Sicangu Lakota (Rosebud Sioux) People on the Rosebud Reservation.

We are presently seeking Congressional support and assistance in the following:

P.L. 99-428

The foremost concern of Sinte Gleska College in terms of the FY'91 Interior Appropriations Bill centers around funding for P.L. 99-428, "The Tribally Controlled Community College Assistance Act of 1978, as amended". We now request that Congress consider appropriations of which provide funding of $5,820 per student for Title I tribal colleges in FY'91. Funding at this level, authorized by law, would require $31,032,240 ($5,820 per ISC x 5,332 ISC).

Endowment -- Sinte Gleska College, like its tribal college colleagues, has successfully developed an Endowment Fund to help establish long-range fiscal stability. Future growth depends heavily upon the availability of matching funds. We therefore request funding at the authorized level of $5,000,000.

Technical Assistance -- Funding for the provision of technical assistance support to tribal colleges has remained at $116,000 for the past several years despite expanding needs and continued program development efforts. Sinte Gleska College requests that funding for technical assistance be increased to $220,000; a sum which would provide $10,000 for each eligible tribal college.

Construction -- In FY'90, tribal colleges requested that $22.9 million be appropriated for facilities construction purposes, including our stated need for $2.5 million to complete the proposed Sinte Gleska College Education/Administration Complex. These needs haven't changed; however, in the short term, we request an appropriation of $2 million for emergency repairs at those tribal colleges where there exists serious facilities problems.

Other

-Additional B.I.A. Higher Education Grant (Scholarship) funding to assist tribal members in defraying educational costs at Sinte Gleska College.

-Increased Adult Education funding to provide adequate opportunities and services for G.E.D. and adult literacy programs.

-Increased Adult Vocational Training funding to enable students to pursue vocational education programs that correspond to tribal priorities.

-Restoration of P.L. 93-638 funds, awarded to Sinte Gleska College in 1973 per authority of the Snyder Act, to a funding level of $358,300. These monies were removed from the tribally-banded IPS budget by the B.I.A. in 1980 only to be restored later at a $136,500 funding level.

Introduction

Sinte Gleska College serves the Rosebud Sioux Indian Reservation of south-central South Dakota, an area encompassing four counties that cover 5,337 square miles where some 18,000 tribal members reside in twenty communities. Named in honor of Chief Spotted Tail (Sinte Gleska), leader of the Sicangu Lakota (Rosebud Sioux) People, Sinte Gleska College represents an emerging entity in the field of higher education, an Indian college established to respond to the needs of the Native American student who chooses to pursue postsecondary studies while remaining "at home" in a reservation-based setting. Sinte Gleska College is a unique institution which is of, by and for the community. This character enables us to provide a range of accessible programs, that are compatible with local educational priorities and developmental plans of the Rosebud Sioux Tribe and that reflect the cultural values of the Lakota People.

Sinte Gleska Colelge is the only source of higher education opportunity for local students. We are committed to an overall program philosophy which promotes student success through designs and approaches that foster personal esteem and increase individual skills. Sinte Gleska College is the product of tribal members who recognized Chief Spotted Tail's vision for an education that incorporated Western thought and Lakota culture. Our graduates are educated to achieve in both Indian and non-Indian society. We see our role to be that of a reservation catalyst--to help students, which in turn, strengthens communities, the tribe, and ultimately, Sinte Gleska College.

Such a premise is the foundation of our institutional mission and reinforces the prevailing sentiment that Sinte Gleska College is an expression of the ambitions of the Lakota People.

Higher Education, Economy and People

The mission statement directs Sinte Gleska College to deliver high quality postsecondary education to the Lakota People. In addition, Sinte Gleska College seeks to:

(1) increase the number of Lakota People in middle and upper management positions.

(2) reflect, strengthen and develop Lakota cultural life.

(3) provide national leadership in tribally-controlled education.

(4) establish mechanisms for improving the quality of life on the Rosebud Reservation.

Economically, the Reservation is extremely depressed, with all of the negative social factors that accompany unemployment. The few employment opportunities that exist are in the public sector. This situation is of grave concern to tribal leaders and elders who are vigorously pursuing economic development on several fronts including microenterprises, industrial development, tourism and government contracting.

Due to the economic development efforts and the educational promise offered by Sinte Gleska College, the future looks brighter. However, statistics document a harsh and sometimes overwhelming everyday reality for most people on the Reservation:

- Todd County, which the Rosebud Reservation encompasses, is the 8th poorest county in the nation.

- Per capita income is $1,238.

- Over 60% of all families on the Rosebud Reservation are at or below the poverty level.

- Tribal members possess an average literacy level of 6th grade and an average of 10 years of school completion.

- 55% of the adult population on the Rosebud Reservation have not earned high school diplomas or G.E.D. certification.

Outlook for the Next Decade

In the 1990's more and more tribal members will opt to pursue their higher education at Sinte Gleska College. We have seen too many young students leave their communities and families and go away to school. Soon they would return, unable to find a niche in institutions which seem appropriate for others but not for the Indian student. Our graduates work in the communities to help future generations. Our students must work hard, however, they are dedicated and they have a hope in Sinte Gleska College.

Enrollment and Demographic Trends on the Rosebud Reservation

- Enrollment at Sinte Gleska College will continue to increase in slight increments until 1992, when it will range between 575-600 students per semester.

- Enrollment will grow at significantly larger rates once we successfully complete construction of the proposed Sinte Gleska College Education/Administration Building, a 26,000 square foot facility on the Antelope campus.

- The average-age of Sinte Gleska College students will decrease as a result of more younger tribal members seeking higher education opportunities and the elevating costs of attendance at off-reservation institutions. The younger student population will present a different set of academic needs than those of older Indian adults.

30-252 O—90—32

- We will continue to witness a higher percentage of incoming students who will be academically underprepared and require remedial studies assistance. The result will be a gradual expansion in our Special Support Services Progrm and an increasing demand for tutors.

- More tribal members, especially younger students, will be seeking matriculation in vocational education programs at the certificate and associate degree levels. Sinte Gleska College will be called on to develop more curricula that trains tribal members to meet specific job needs.

- There will be a continual request for more Lakota Studies classes on the Rosebud Reservation, both on campus and in the tribal communities, especially language classes. We will need to develop more Lakota Studies curriculum and train more Lakota Studies instructors.

- There will remain a need throughout the remainder of this century to provide outreach services to the Lakota People -- we will need to strengthen our Community Education programs and explore new ways to deliver services across the Rosebud Reservation.

Financial Resources

- Sinte Gleska College will continue to operate with limited financial resources and limited facilities, however, we will not do so in a manner that detracts from academic quality. -- This status restricts institutional opportunities for program expansion.

- Sinte Gleska College will continue to be dependent on federal funding and rely upon numerous revenue sources through grants and other "soft" monies. -- This status will provide adequate stability for current operations but will prolong efforts to establish a permanent funding base.

- The main avenue for institutional funding will be P.L. 99-428, "The Tribally Controlled Community College Assistance Act of 1978, as amended". -- We will continue to seek Congressional support for increased appropriations and to add funds to the Endowment and Construction programs of this legislation.

- We will continue to strengthen our relationship with private funding sources, particularly foundations. Sinte Gleska College must increase its national visibility to generate greater support from the corporate sector.

- Inflationary increases will raise institutional operating costs and necessitate salary increases for Sinte Gleska College faculty and staff, who are already underpaid by any standard.

- Sinte Gleska College will continue to assess program delivery in order to gain added cost-efficiency that emphasizes more employee responsibility and accountability with minimal resources. -- We must continue to demonstrate that Sinte Gleska College is a leader in the field of Indian Education.

- Cost efficiency decisions will require greater and more expedient access to institutional informational bases and thereby increase the need for expanded automation of programs and functions. -- We must balance the high cost of these efforts with our otherwise limited resources.

- The increased need for financial assistance among Sinte Gleska Colleges students will require external support from new sources. -- A responsiveness to student needs must remain our predominant concern as Sinte Gleska College strives for growth and self-sufficiency.

Opportunities in the Surrounding Community

- Unemployment will remain high on the Rosebud Reservation. Nonetheless, Sinte Gleska College graduates who are tribal members will opt to compete for local job opportunities. We must take a more aggressive role in job placement for our graduates, especially those at the associate level.

- The Todd County School District will continue to hire Sinte Gleska College Elementary Education graduates as classroom teachers. There remains a great need for teachers who are familiar with the local area and who are sensitive to the concerns of Indian children.

- The new hospital will become the second largest employer on the Rosebud Reservation and will magnify the acute need for trained health professionals.

FY'91 Department of Interior Appropriations

Institutional Concerns

- Increased P.L. 99-428 (The Tribally Controlled Community College Assistance Act of 1978, as amended) appropriations for salary raises, additional staff and program expansion.

- $2.5 million dollars for completion of the proposed Sinte Gleska College Education/Administration Building, originally started in 1978.

- Additional B.I.A. Higher Education Grant (Scholarship) Program funds are required to assist tribal members in defraying post-secondary educational expenses at Sinte Gleska College.

- Increased funding for adult literacy programs and G.E.D. services in order to deliver an adequate level of tribal adult education opportunities on the Rosebud Reservation.

- The current demand for adult vocational training opportunities far exceeds the amount of available funds to meet student needs and thereby fails to address tribal vocational education priorities.

- Restoration of P.L. 93-638 funds, awarded to Sinte Gleska College per authority of the Snyder Act in 1973, to a funding level of $358,300. These funds were removed from the tribally-banded budget by the B.I.A. in 1980 only to be restored later at a $136,500 funding level. Sinte Gleska College has suffered a total cumulative loss of $2,000,000 in Snyder Act funds since FY'81 and requests a restoration to the initial $358,300 level but not at the expense of annual tribal allocations.

- Continued Congressional support for the White House Conference on Indian Education with particular emphasis on the role of tribal colleges relative to planning and facilitating Conference activities and program agenda.

- Lack of advocacy by the B.I.A. on behalf of tribal colleges witnessed in annual appropriations testimony where B.I.A. officials state that tribal colleges are adequately funded and that tribal college funding is meant to be "seed" or start-up monies. This latter point was never the intent of any tribal college legislation.

The ensuing testimony discussion relates to P.L. 93-638 programs and to P.L. 99-428 at Sinte Gleska College, as funded through the Bureau of Indian Affairs.

Scholarship

Sinte Gleska College administers the B.I.A. Higher Education Grant (Scholarship) Program via a P.L. 93-638 contract on behalf of tribal members who wish to pursue their higher education goals while remaining "at home" on the Rosebud Reservation. Sinte Gleska College has managed this contract for its students since 1978 and does so today on a shared basis (50%-50%) with the Local Indian Education, Inc. which provides funding for students attending off-reservation institutions.

During the 1988-89 academic year Sinte Gleska College awarded B.I.A. Scholarship funding to 138 students with an average award of $1,689. We estimate that 185 students were not funded because of depleted monies and further estimate, based on the average B.I.A. award, that Sinte Gleska College would require an additional $315,000 to assist these unfunded students. The Local Indian Education, Inc. estimates that it would require an additional $160,000 to assist unfunded students attending off-reservation institutions. The total unmet need for Rosebud Agency students is approximately $500,000; an amount which is sure to increase throughout the 1990's.

At this time Sinte Gleska College requests that the B.I.A. give strong consideration to a significant increase in overall funding for the B.I.A. Higher Education Grant (Scholarship) Program. The Rosebud Sioux Tribe has watched its allocation

decrease from a high level of $553,000 in FY'87 to the present FY'90 level of $528,000. We on the Rosebud Reservation need at least $1,000,000 to provide adequate B.I.A. Scholarship funding for our current students and for future generations of students who seek to advance their educational interests for the Rosebud Sioux Tribe and the Lakota People.

T.C.C.C. (Snyder Act Supplement)

These funds are used for faculty and support staff salaries and the cost of leasing G.S.A. vehicles for the Sinte Gleska College Student Transportation System.

Sinte Gleska College originally received this particular revenue in 1973 per authority of the Snyder Act. In 1975, these funds became allocated as part of the P.L. 93-638 contracting process. Between 1973-1980 Sinte Gleska College and the Rosebud Sioux Tribe increased these funds to a level of $358,300 in order to assist in establishing a stable fiscal base to defray on-going institutional operating costs. In FY'81, the B.I.A. moved to eliminate this source of funding for Sinte Gleska College and, at one point, totally remove the monies from the tribally "banded" budget. Sinte Gleska College and the Rosebud Sioux Tribe worked diligently to restore these funds to a level of $136,500 which in FY'90, through P.L. 93-638 pay cost increases, has now reached a level of $144,000. In the past ten years Sinte Gleska College has lost more than $2,000,000 in T.C.C.C. (Snyder Act Supplement) funds as a result of this unilateral administrative determination by the B.I.A.

As we begin the 1990's, Sinte Gleska College is once again requesting a restoration of T.C.C.C. (Snyder Act Supplement) funds to a level of $358,300 which were decreased, without tribal knowledge or consent, in FY'81. We are specifically requesting that these monies be restored to the Rosebud Agency/Rosebud Sioux Tribe "banded" IPS budget beginning in FY'92 and for each year thereafter to remedy this unjustified B.I.A. reduction action.

Adult Education

These funds are used for personnel costs and other minimal Adult Education program expenses. During the past five years Sinte Gleska College has witnessed a decrease in Adult Education funds from $49,300 to the current FY'90 level of $43,000.

We request that the B.I.A. support a position which calls for a substantial increase in Adult Education funding. Sinte Gleska College has contracted the Adult Education program since 1972 and over the past 18 years has assisted 1,200+ individuals in earning G.E.D. certification. Because of present funding cuts we have been forced to implement serious reductions in testing and tutoring opportunities on the Rosebud Reservation. Such reductions continue to occur at a critical time for Indian Education; a time when all programs, including the provision of Adult Education services, must grow and expand to prepare Indian country for the challenges in the next century.

Adult Vocational Training

These funds, in the amount of $153,000 (FY'90), are used primarily to provide stipends for students engaged in vocational

training program pursuits. Sinte Gleska College began administering this program in 1988 and is currently in the second year of a P.L. 93-638 contract due to expire in 1991.

As in the case of Adult Education funding, Sinte Gleska College believes that an increase in Adult Vocational Training monies is essential to improve conditions for Indian tribes. We also need to promote reservation-based vocational education training opportunities, such as the programs offered at Sinte Gleska College, to help build stronger local economies and provide tribal members with employable skills centering around tribal priority areas. Here too, the key is to advocate for additional funds so that more Indian students become involved in the educational process and attain a goal which empowers tribal self-determination and enhances our ability to effectively manage tribal resources in the year 2000 and beyond.

P.L 99-428

In 1978, tribal colleges gained a big boost in funding efforts with the passage of P.L. 95-471, "The Tribally Controlled Community College Assistance Act". Appropriations started on a positive note in 1980 when tribal colleges received $3,100 per full-time Indian student equivalent. However, in the ensuing years, as the number of tribal colleges and student enrollment increased, appropriations failed to keep pace with educational operating costs. By 1989 tribal colleges were receiving a mere $1,964 per full-time Indian student equivalent. Currently authorized as P.L. 99-428, this legislation is central to the future fiscal stability of tribal colleges. We will realize an

increase in appropriations in FY'90 which yields a funding amount of $2,190 - $2,400 per full-time Indian student equivalent....in other words, an increase to our FY'88 funding level. This increase nonetheless represents an important first step in addressing the numerous funding concerns for tribal colleges in terms of salaries, academic program development and facilities. To do so, we cannot rely on the year to year fluctuations of "soft" funding which dictates the flow and scope of each expenditure. We require the latitude and support of P.L. 99-428 funding--funds that provide $5,820 per full-time Indian student equivalent as authorized by current legislative language.

Moreover, we require advocacy from the B.I.A. in seeking increased appropriations "to defray expenditures for academic, educational and administrative purposes and for the operation and maintenance of the tribal college". P.L. 99-428 funding was never intended as seed money.

American Indian Higher Education Consortium (AIHEC)

By way of verbal testimony, the American Indian Higher Education Consortium cited numerous issues set forth in the special report Tribal Colleges: Shaping the Future of Native America, by the Carnegie Foundation for the Advancement of Teaching. In particular, this report corroborated a long-standing AIHEC position; that funding at the authorized P.L. 99-428 funding level of $5,820 per ISC is imperative if tribal colleges are to fulfill their institutional missions. Tribal colleges have proven their capacities to use scarce resources effectively. Now, more money is required.

In addition, the American Indian Higher Education Consortium has identified other concerns which tribal colleges believe warrant Congressional attention:

- that tribal colleges be recognized as key entities in future overall tribal development efforts and initiatives in order to promote the educational interests and needs of tribes and tribal members.

- that P.L. 100-713, the Indian Health Care Amendments Act of 1988 (Title I, Indian Health Manpower, Section 115, Health Training Programs of Community Colleges) authorizes $100,000 for each tribal college for the development of health programs.

- that appropriations for the Carl D. Perkins Vocational Educational Act allow for funding in the amount of $175,000 per tribal college along with the opportunity to compete for and administer grants through the tribal set-aside program.

In closing, Sinte Gleska College joins its fellow American Indian Higher Education Consortium members in requesting Congressional assistance with these considerations so that we may produce an equitable educational opportunity for our Indian students. We thank the Sub-committee for the many past efforts on behalf of Indian Education, and especially, the support to Sinte Gleska College.

Hataali Yáázhé Bí'Olta

Little Singer Community School Multi-Purpose Facility

Birdsprings, Arizona

Prepared by:

Wyatt & Reece/studio: FLAGSTAFF
Architects & Planners
3 North Leroux, Suite 211
Flagstaff, Arizona 86001

Funding for the following Study &
Preliminary Plans Provided by:

The David & Lucille Packard Foundation

December 5, 1989

ADMINISTRATION

LITTLE SINGER COMMUNITY SCHOOL
BOARD OF DIRECTORS

Leo John	President
Hoover Schultz	Vice President
Rosebelle Walker	Secretary/Treasurer
Dennis Nez	Member
Vida Charley	Member

Little Singer Community School is seeking financial assistance for the following project from sources available. Assistance is accepted for the entire or partial project. Upon project completion, Little Singer Community School campus will provide a comprehensive educational program for grades Kindergarten through 8.

James E. Shereck, Director
(03-779-3788

PHILOSOPHY

Little Singer Community School strives to prepare students to develop a positive self-image and fulfill their maximum potential in life. The bilingual-bicultural kindergarten through sixth grade program provides students with the necessary foundation to walk with confidence in both the Navajo and non-Indian world.

The educational program offers the opportunity for students to acquire the basic skills and knowledge taught in elementary schools around the nation, as well as the wisdom and traditions of their native culture, taught by the elders of the community.

Key to the philosophy of Little Singer Community School is the belief that the children belong at home, attending community schools where the standards are established by local school boards.

HISTORY

The treaty between the Navajo tribe of Indians and the U.S. government in 1868 provided education for Navajo children, and for many young students this meant removal from family and community, and years of loneliness in unfamiliar boarding schools.

Birdsprings, an isolated Navajo reservation community in northeastern Arizona, lost their children to the boarding schools in the 1920's. An apathy and unnatural quietness settled on the land - the removal and alienation of the children threatened to rob the once-independent community of its self-sufficiency.

Respected medicineman and leader, Little Singer, saw that returning the children would restore the community's spirit. The elders agreed, and sought assistance - but the government said Birdsprings was too remote, and would not fund a school without access to utilities. A local physicist, and friend of the Navajo, told Little Singer the community could harness the forces of the wind and sun to generate an energy self-sufficient school in Birdsprings.

Today, two connected geodesic domes rise from the desert. Sixty miles west is the San Francisco Peaks; to the north stand the Hopi Buttes; to the south the Little Colorado River, and to the east, an open treeless range. The Little Singer Community School is the lifeblood of this community of 1500 people, and serves seventy children. Since its beginning, two hogans have been converted to classroom use and a library bathroom and office building have also been added.

The original construction of the Little Singer School represented a grassroots effort. Families hauled sand and gravel for the foundation; women wove rugs and baked bread to raise money; volunteers sought assistance and funds from the private sector.

Enough monies were raised by 1976 to start construction, and once the shell was completed, the Navajo tribe contributed the funds necessary to finish the school's interior. Volunteers from a California college dug pits for the solar storage units, and in a borrowed workshop Birdsprings residents constructed solar panels to harness the sun's energy.

The human and solar effort at Birdsprings attracted the attention of the Community Services Administration. They funded the installation of wind generators and solar panels designed by the newly formed Birdsprings Solar Corporation. Utilizing the forces of the natural world, the school now had power, and the government had no choice but to provide operating costs.

Little Singer Community School opened its doors to twenty-three children of Birdsprings in 1979. A year later it received the Governor of Arizona's Award for Environmental Protection.

The medicine man died before the school was completed, but his vision was fulfilled - the children were home.

FUTURE

Little Singer Community School is in need of expansion. The first year in operation, Little Singer School served 23 children. In 1987 there were 42 children enrolled and by 1989, there are 70 children attending classes at Little Singer School. It is projected that in two years the enrollment at Little Singer School will be at least 100 students.

Little Singer School is in need of a facility to serve as a gymnasium for physical education and also extra classrooms. At this time, there is no such facility, and physical education classes must be held outside, only as weather permits.

Little Singer School is proposing the construction of a Multi-Purpose Facility. This facility would serve the residents in the community and function not only as a recreational area, but also as a business conference facility with the capacity for large annual community activities. The proposed multi-purpose facility would consists of a gymnasium/assembly area, classrooms, media center, administrative space, restroom, locker room, and the necessary ancillary support area.

The primary purpose of the multi-purpose complex is to serve the entire Birdsprings community on a daily basis. It will be an activity center for elderly, teens, young adults, and even the pre-school children. The facility would also serve as an administrative center for various standing committees and conferences of groups and large organizations will be held there.

The facility is primarily for the community school and the local people. Although it will be available to other adjoining communities for benefit programs and activities.

HOBBS, STRAUS, DEAN & WILDER
LAW OFFICES
1819 H STREET N.W. SUITE 800
WASHINGTON, D.C. 20006
(202) 783-6100
TELECOPIER (202) 296-8834

CAROL L. BARBERO (DC)
S. BOBO DEAN (DC, NY)
HAROLD M. GROSS (DC, CA, OR)
CHARLES A. HOBBS (DC)
FRANCES L. HORN (DC)
MATTHEW S. JAFFE (DC, MD)
MARSHA KOSTURA (DC, PA)
JOSEPH J. B. RYAN (DC, TX)
JUDITH A. SHAPIRO (DC)
CHRISTOPHER T. STEARNS (NJ)
JERRY C. STRAUS (DC)
DEAN B. SUAGEE (DC)
HANS WALKER, JR. (DC, ND)
LEROY W. WILDER (OR, DC, CA)

MICHAEL P. GROSS (NM, AZ)
KENNETH F. TWOROGER (DC, FL)
ROBERT H. WAGSTAFF (AR, MS)
OF COUNSEL

KAREN J. FUNK
GOVERNMENTAL AFFAIRS COORDINATOR
NOT ADMITTED TO ANY BAR

PORTLAND OFFICE
0000 S.W. MONTGOMERY STREET, PH
PORTLAND, OREGON 97201
(503) 222-0725

NEW MEXICO AFFILIATE
ROTH, VAN AMBERG, GROSS & ROGERS
P.O. BOX 1447
SANTA FE, NEW MEXICO 87501
(505) 988-8979 AND 983-7508

FLORIDA AFFILIATE
TWOROGER & ASSOCIATES
P.O. BOX 4808
FORT LAUDERDALE, FLORIDA 33338
(305) 565-6990

ALASKA AFFILIATE
WAGSTAFF, PIPPA & CLOUSER, P.C.
810 WEST 6TH AVENUE
ANCHORAGE, ALASKA 99501
(907) 277-8666

March 7, 1990

Hon. Sidney R. Yates, Chairman
Subcommittee on Interior & Related Agencies
House Committee on Appropriations
Room B-308 Rayburn House Office Bldg.
Washington, D.C. 20515

Attn: Ms. Kathy Johnson

Re: Seminole Tribe of Florida Request for FY1991 Appropriations for Water Resources Construction, Planning and Management

Dear Chairman Yates:

We request the opportunity, in lieu of oral testimony, to submit this letter to you on behalf of the Seminole Tribe of Florida, reporting on the progress the Tribe has made with previous appropriations made available through your sub-committee, and requesting continued support for FY1991.

Important progress is taking place throughout southern Florida in improving the quality of the water supply, most significantly by upgrading the quality of water reaching the Everglades National Park and Lake Okeechobee by controlling discharges and agricultural runoff, thereby reducing nutrient loading into receiving waters.

The Seminole Tribe, under its 1987 Water Compact with the State and South Florida Water Management District, is proud to be a full partner and participant in these ongoing efforts which impose serious new responsibilities on the Tribe and its Water Resources Management Department, and on the Bureau of Indian Affairs (BIA). The funds your sub-committee has provided over the past three years have made this level of participation possible.

WATER RESOURCES MANAGEMENT DEPARTMENT (WRMD)

Initially funded in FY1988, the Tribal Water Office has developed into the Water Resource Management Department (WRMD) of the Seminole Tribe of Florida. Under the Seminole Water Commission and Director Craig Tepper, the Department has seen its responsibilities steadily increase each year.

The WRMD has completed its task of licensing existing reservation water users under the Tribal Water Code. (This Code, incidentally, was finally approved by the Department of the Interior on April 13, 1989.) The WRMD also has continued to plan, administer and coordinate the ongoing surface water management system rehabilitation effort on both the Brighton Reservation, where it is in its third year, and the Big Cypress Reservation, where a comparable far-reaching task is just beginning.

The State of Florida has undertaken important new initiatives by establishing Surface Water Improvement and Management (SWIM) plans for agricultural lands with drainage affecting Lake Okeechobee and Everglades National Park. For your reference we are attaching an executive summary of the completed Okeechobee SWIM Plan (Attachment A) and of the still preliminary Everglades SWIM Plan (Attachment B). Under the terms of its Compact with the State, the Tribe has agreed to follow the substantive provisions of the Okeechobee plan. No specific decision has been made as to how the Tribe will interface with the Everglades plan, which is still under development. It should be noted that the BIA has recognized its continuing responsibility as federal trustee for the administration of Seminole Tribal Lands, under the provisions of the Compact, and the Tribe has closely coordinated its efforts under the Compact with the BIA.

Under its Water Compact with the State and with the SFWMD, the Tribe is obligated to meet certain State water quality standards. Continued correction of problems in the existing system is a vital part of the Tribe's effort to fulfill its obligation, which the United States shares as administrator of the federal trust on reservation lands. (See Blue Legs et al. v. U.S. Bureau of Indian Affairs, 876 F.2d 1094 (8th Cir. 1989), where the court held that not only the Oglala Sioux Tribe, but the federal agencies administering the government's responsibilities on the Tribe's reservation, are fully subject to federal environmental laws and had to respond in court for their violation.)

The Tribe, through the WRMD, has engaged in extensive negotiations with the District to establish a water delivery plan for the Brighton reservation designed to assure the Tribe its Compact-guaranteed minimum of 15% of all the water in the District Canals located within the Indian Prairie Basin. An Emergency Plan was

successfully negotiated in August, 1989, to deal with the current drought conditions and a long-term plan is close to completion.

The Tribe, through the WRMD, has worked closely with the District in monitoring the surface water management activities of neighboring landowners which might threaten reservation lands. This has involved, among other things, institution of a comprehensive program for testing water quality in surface water entering and leaving both the Brighton and Big Cypress Reservations to document the causes of any water quality problems.

In one instance, the Tribe negotiated an agreement with a neighboring landowner, with BIA assistance, requiring the landowner to make significant changes to improve a water detention reservoir system found to be inadequate by the Tribe's technical experts. Very recently, in another case, the Tribe's WRMD has worked closely with the SFWMD and the BIA in an enforcement action against a neighboring landowner who, without required permits, had dug twenty two miles of drainage canals through a wetland system, dredging 464 acres of wetlands, adjacent to the Tribe's Brighton Reservation. This matter is currently under investigation by the Corps of Engineers at the request of the BIA.

Another area of major WRMD activity has been the administration of the tribal Water Code. This has involved the licensing of water users whose use pre-dates the Compact, and the review of various proposed developments on tribal land to assure that they meet the requirements of the Compact. All such new developments are required to be included in the annual tribal Work Plan, which is submitted to the District for review and approval under procedures of the Compact.

The close coordination and cooperation between WRMD and SFWMD on efforts to improve water quality and monitor water use activities strengthens greatly the effectiveness of the SWIM Plans in improving the quality of the south Florida environment.

In response to Congressional instruction, the (BIA) has requested $500,000 -- the same amount as Congress added last year -- in its FY1991 budget request, for the Seminole Water Resources Management Department. (See Attachment C,.p. BIA-187) This is the first time the Administration has requested appropriations for this purpose. The Tribe strongly supports this request. A detailed budget justification is attached (Attachment D).

WATER CONSTRUCTION FUNDS: BRIGHTON

The Tribe is pleased to report that as it continues with the third performance year of the four-year, $2 million Brighton water control system rehabilitation project, its efforts remain on

schedule, and its expectation is to finish on schedule and within the original budget estimate.

As you know, the work has thus far been funded by the subcommittee in three $500,000 annual increments or phases, through FY1990. By the time the FY1990 funds are released by the BIA and contract performance by the Tribe begins, 5-6 months of the fiscal year will have elapsed. Still, as of the date of this letter, the first two phases have been substantially completed and the third phase will begin approximately June 1, 1990. Meanwhile, design modifications and development plans are taking place. The Tribe seeks funding of only the final $500,000 to permit completion of this project on schedule.

Because of the Tribe's and the Federal Government's obligations under the Okeechobee SWIM Plan, completion of this rehabilitation project is essential and more important than ever. Unless the Brighton canal rehabilitation is completed, the Tribe will not be able to meet the strict water quality discharge requirements required by the Compact, by the SWIM Plan, and by federal law.

Because much of this work is being performed by the Tribe itself, rather than contracted out, this project has provided needed employment for tribal members, while being managed under the close control and supervision of WRMD. With the appropriation of the final $500,000 request for FY1991, the Tribe will have completed 48.7 miles of canal rehabilitation work in the predicted four years and for the predicted cost of $2 million.

A detailed breakout of the scope of work for the four phases of this project is attached as Attachment E, along with site maps showing the location of project efforts. A budget justification for the FY1991 increment is also attached as Attachment F.

One cautionary note with respect to the Brighton rehabilitation effort: the completion of the fourth phase will leave the total system in excellent working order. However, weed control and abatement in this semi-tropical area is a continuing need. Funds for this purpose are presently included in the WRMD budget and will remain a necessity at a cost of about $42,000 annually, to prevent this system from returning to the state in which it was found when the rehabilitation effort began.

WATER CONSTRUCTION FUNDS -- BIG CYPRESS

While the dimensions of the task awaiting the Tribe at Big Cypress are even greater than the effort required at Brighton, a valid estimate of the total time and money required for the Big Cypress project must await completion of the USDA Soil Conservation Service study, anticipated by June 1, 1990, with

funds appropriated last year by the Subcommittee. Given the $300,000 in construction funds appropriated in FY1990 to commence this project, which has not yet reached the Tribe, a significant first phase of that effort will begin soon after June 1 in accordance with the recommendations of the SCS study.

The Big Cypress Indian Reservation is located in Hendry and Broward Counties, Florida, and covers an area of approximately 52,500 acres. It has diverse land uses. SCS personnel have informally advised the Tribe that the report will recommend development of a comprehensive drainage and water control system that will require extensive rehabilitation of about 50 miles of channels, at least that amount of irrigation ditches, removing and replacing scores of deteriorated and inoperable drainage structures, and adding additional structures as needed to insure better water control for cropland, pastureland, urban development and commercial areas. Years of planning for additional on-site modifications and rehabilitation of the existing system to accomplish tribal objectives lie ahead.

The reservation is located adjacent to Everglades Conservation Area 3A, a natural aquifer recharge area for South Florida and the upper water basin contributing large quantities of quality water to the Everglades National Park.

In meeting its goals, the Tribe is aware of the need to mesh its objectives with the need to protect sensitive environmental areas. Cumulative effects of polluted runoff (specifically, high levels of phosphorus) from the reservation could impair the environmental balance and even cause irreversible damage. Meeting state water quality standards, pursuant to the SWIM plans, will require construction of high volume pumping systems, approximately seven miles of dikes for large detention/retention reservoirs, and controlled discharge structures.

The USDA Soil Conservation Services (SCS), as part of the study mentioned above, will assess environmental impacts to insure the proposed rehabilitation work causes no harm to the environment, cultural resources, wildlife habitat or any endangered species.

The size of a reservoir is determined by detaining the first inch of runoff from a 3-day, 25-year rainfall event, providing adequate removal to protect the resource base and controlling discharge limits established by the SFWMD. Geotechnical surveys of proposed reservoir locations are required to determine the suitability for dike construction and any site modifications required to overcome possible limitations.

All engineering designs must meet plans and specifications required by the SCS and the SFWMD. SCS will provide technical assistance needed to lay out the project and insure compliance. A

complete Water Management Plan, prepared by SCS, will help the Seminole Water Resources Management Department complete the system efficiently.

The Tribe requests that $420,000 be made available for FY1991 to carry on Phase II of the Big Cypress rehabilitation project. A detailed budget justification for this request is attached (Attachment G). The Administration has again made no request for these funds.

In summary then, for support of its continuing water resource rehabilitation effort, the Tribe is seeking a total of $920,000 for the two construction projects in addition to the approval of the Administration's request for funding for the WRMD.

We would be happy to furnish answers to any questions which you or the Subcommittee may have with respect to these projects, and deeply appreciate the time and consideration you have given to these proposals.

With best wishes,

Sincerely yours,

HOBBS, STRAUS, DEAN & WILDER

By: Harold M. Gross

Enclosures

The Minnesota Chippewa Tribe
P.O. BOX 217 — CASS LAKE, MINNESOTA 56633-0217

March 8, 1990

The Honorable Sidney R. Yates
Chairman, House Appropriations Subcommittee on the
Interior and Related Agencies
B308 Rayburn House Office Building
Washington, D.C. 20515

Attention: Ms. Kathy Johnson

Dear Chairman Yates:

I am writing to you as a means of following up on an issue with which the Minnesota Chippewa Tribe has been involved during the past 18 months. The issue is Bureau of Indian Affairs funding for the Minnesota Chippewa Tribe (MCT) Water Research Lab. I have communicated with you in the last year concerning the limitations within the Bureau of Indian Affairs (BIA) for sustaining Tribal Government Self-Determination Programs. Our Water Quality Program, under which the MCT Water Lab is administered, is such a Tribal Government Self-Determination Program. Our Lab is certified by the United States Environmental Protection Agency, and provides the 40,000 Minnesota Chippewa with research and development of general water quality management plans, as well as specific lake, stream, and groundwater management strategies, and water quality monitoring, including drinking water. I see this function as critical to the environmental protection and health of the Minnesota Chippewa, and I am open to the prospect of offering our analytical services to Tribes outside of Minnesota as well.

It is in this context that I am requesting your support for the enclosed funding proposal. The annual appropriation requested in this proposal would sustain the MCT Water Lab at its current state of personnel expertise, and maintain our water analysis equipment, for Fiscal Year (FY) 1991. I do not anticipate that my staff will recommend any subsequent increase in this annual appropriation until at least FY 1994; I am confident that additional program needs may be met through the Federal Governments Contract Lab Program, if the Tribally responsible Federally Agencies use our Lab for their Tribal water analysis activities in Minnesota. One exception to this may be our need to assess and possibly update our analysis equipment as the "state of the art" advances. This need is not expected to arise until at least 1997, considering that our newest and most expensive equipment was "state of the art" in 1989.

In closing, I thank you for your past support of Tribal Self-determination activities, and ask that you include our enclosed request in the record of the hearings before your Subcommittee concerning the BIA's FY 1991 budget request. If I may answer any questions or provide testimony in support of this proposal, please contact me at the Tribal Government Office, P.O. Box 217, Cass Lake, MN, 56633, phone 218-335-8581.

Sincerely,

THE MINNESOTA CHIPPEWA TRIBE

Darrell Wadena
President

MINNESOTA CHIPPEWA TRIBE

FUNDING PROPOSAL

FOR MAINTAINING THE OPERATIONS

OF THE

MCT WATER RESEARCH LABORATORY

The Minnesota Chippewa Tribe's Water Research Lab has been operating for the past eleven years providing water research and public health services to the six member Reservations of the Tribe. Activities include the research and development of water quality management plans for both fishery and wild rice lakes, pollution monitoring, and the analysis of Indian drinking water supplies for potability. Most recently we have received requests from Tribes in Wisconsin and Michigan for analysis of their drinking water.

The funding situation has always been precarious at best, as it is for many Tribal 638 contracts, and their has never been a year when we have begun with funding adequate to sustain our USEPA certified laboratory and its personnel for the entire fiscal year. The major problem with this fact is the difficulty in retaining the highly trained personnel required to carry out the above mentioned tasks. Job security is never a certainty, however the Federal Government, the BIA in particular, does a disservice to Indian Tribes by failing to provide adequate and consistent 638 program funds for Tribal self-determination, as is the case with our laboratory. The most recent assault on our program came in the form of the BIA's reduction of our FY90 budget by $66,000. We were told that this money, from the Wildlife, Parks, and Fisheries, was not being spent appropriately by doing water quality management work for the Tribe. Our argument that fish and wildlife need clean water fell on deaf ears at the BIA. This funding cut was particularly untimely in light of the fact that the BIA provided $200,000 for water analysis equipment to our lab in FY89. Now we are faced with the possibility of losing the personnel to operate this equipment, a severe setback to our economic development pursuits for our water analysis laboratory.

In an attempt to procure a solid funding base for the operation of our Tribal Water Research Program we are requesting Non-Banded funding from Congress to sustain our laboratory operations. A budget outline for this proposal is listed below:

MINNESOTA CHIPPEWA TRIBE

WATER RESEARCH LAB

PROPOSED ANNUAL BUDGET

PERSONNEL	
Lab Director/Research Biologist	$40,000
Chemist	30,000
Research Biologist	28,000
Biology Technician	20,000
Biology Technician	20,000
Fringe @ 26%	35,880
Total Personnel	$173,880
TRAVEL	
Vehicle Purchase and Maintenance	$5,000
Boat Maintenance	1,500
Gas	3,000
Per Diem	2,500
Total Travel	$12,000
LAB SUPPLIES AND OPERATIONS	
Lab Equipment	$15,000
Equipment Maintenance Agreements	19,000
Supplies, Chemicals, Disposal	25,000
	$59,000
INDIRECT COSTS @ 21.5% on Personnel and Travel	$39,964
TOTAL ANNUAL BUDGET	$284,844

Thank you for your consideration of our request.

RESOLUTION 65-90

WHEREAS, The Minnesota Chippewa Tribal Executive Committee is the duly elected governing body of The Minnesota Chippewa Tribe, comprised of the six member reservations (Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs and White Earth), and

WHEREAS, The Minnesota Chippewa Tribe Water Quality Program is an ongoing Tribal Water Resources Research, Protection and Management Program, and

WHEREAS, the Bureau of Indian Affairs has failed to meet the Tribe's Water Program funding needs through P.L. 638 contractible funding for Fiscal Year 1990 by arbitrarily removing funding from the Tribe's Water Quality Program, and

WHEREAS, the Bureau of Indian Affairs projection of the Indian Priority System (IPS) funding for Fiscal Year 1991, likewise, will not meet The Minnesota Chippewa Tribe's Water Quality Program needs, and

WHEREAS, the Housing/Economic Development Subcommittee did meet on January 18, 1990 and recommends Tribal Executive Committee approval of this resolution.

NOW THEREFORE BE IT RESOLVED, that The Minnesota Chippewa Tribal Executive Committee approves the submission of a proposal to the Congress of the United States for Water Quality Program funding to maintain the operations of The Minnesota Chippewa Tribe's Water Quality Research Lab for Fiscal Year 1991 and for successive fiscal years.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 11 For, 0 Against, 0 Silent, at a Regular Meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held on January 30, 1990 at Duluth, Minnesota.

Darrell Wadena

Darrell Wadena, President
THE MINNESOTA CHIPPEWA TRIBE

Eugene A. Boshey, Sr.

Eugene A. Boshey, Sr., Secretary
THE MINNESOTA CHIPPEWA TRIBE

30-252 O—90——33

ST. CROIX CHIPPEWA INDIANS of WISCONSIN

FISH and WILDLIFE MANAGEMENT FY 1991 APPROPRIATIONS REQUEST

EXECUTIVE SUMMARY

INTRODUCTION

The St. Croix Chippewa Indians possess 2284 scattered acres of trust land throughout the three northwestern Wisconsin counties of Barron, Burnett, and Polk. The reservation's rural location and the traditional hunting, fishing, and gathering pursuits of its membership make the protection and enhancement of natural resources a high tribal priority.

Since 1987, the St. Croix Chippewa have evolved a comprehensive natural resource management program consisting of biological monitoring, resource enhancement, and conservation enforcement. The Tribe is proposing to continue and to develop this initiative in order to insure an adequate biological data base to undertake the Integrated Management Planning Process.

FY 1991 APPROPRIATIONS REQUEST

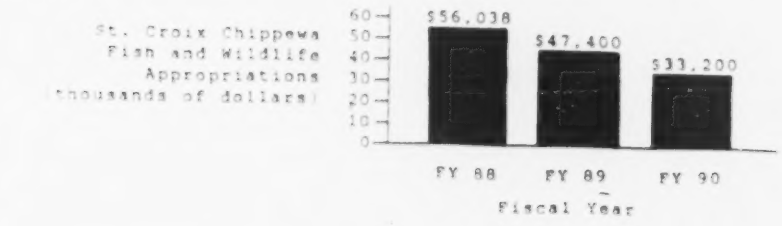
The St. Croix Chippewa Indians of Wisconsin are proposing a FY 1991 Fish and Wildlife Management allocation of $108,678 which includes a restoration of the program's FY 1988 funding level of $56,038 and a $52,640 increase to maintain ongoing biological monitoring, resource enhancement, and conservation enforcement activities.

The St. Croix Chippewa also formally support the Bizhibayaasn Circle of Flight Tribal Waterfowl Initiative and request FY 1991 Congressional appropriations as specified in the Circle of Flight proposal.

RESTORATION of FUNDING LEVELS

The St. Croix Tribe's natural resource management activities both on and surrounding reservation land include walleye (*Stizostedion vitreum vitreum*) fingerling production, game fish population assessments, wild rice enhancement, wildlife surveys, and on-reservation conservation code enforcement.

Since FY 1988, the Congressional appropriations for fish and wildlife management by the St. Croix Tribe have been reduced 41% or $22,838.



ST. CROIX CHIPPEWA INDIANS of WISCONSIN

The current FY 1990 appropriation of $33,200 will enable the Tribe to carry out restricted fish and wildlife management from April through October 1990. Without a major appropriations increase, after 1990, the Tribe will no longer be able to support its fish and wildlife program in any capacity. User group conflicts will increase in the absence of tribal contributions to natural resource enhancement and protection.

MAINTENANCE of ONGOING NATURAL RESOURCE MANAGEMENT PROGRAMS

Biological Monitoring

In 1989, the St. Croix Tribe provided labor to the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) and to the Wisconsin Department of Natural Resources (WDNR) to survey 19 lakes in three counties to determine game fish populations, and independently surveyed one lake with GLIFWC equipment.

Resource Enhancement

The St. Croix Chippewa have operated walleye rearing ponds since 1987. Over 200,000 fingerlings (juvenile fish) have been produced from two ponds. In 1989 the Tribe hired a biologist to manage its walleye hatchery and in 1990 a technician has been added to the staff. The walleye rearing program has been conducted cooperatively with the WDNR, the GLIFWC, and the Bad River Band of the Lake Superior Chippewa. These agencies have supplied fry (newly hatched fish), equipment, and technical expertise. The production goal for 1990 is 150,000 walleye fingerlings.

In 1988 and 1989, the St. Croix Chippewa stocked 120,000 largemouth bass fingerlings in cooperation with the United States Fish and Wildlife Service in four lakes in three counties. The Tribe will stock 30,000 largemouth bass fingerlings in 1990.

The St. Croix Tribe is participating in an ongoing effort by the GLIFWC to enhance the walleye population in Big Sand Lake Burnett County. The Tribe's Wisconsin Conservation Corps (WCC) crew removed over 2000 pounds of fish that prey on walleye in 1988. In 1990, the Tribe will assess the condition of the food chain in the lake walleye fingerlings are dependent upon.

In order to enhance waterfowl habitat, the Tribe's WCC crew seeded six lakes in three counties with wild rice. The WCC crew monitored the water quality of 19 lakes in four counties to improve understanding of wild rice ecology. In addition to providing food and cover for waterfowl, wild rice is both an important dietary staple for St. Croix tribal members and the basis of tribal and non-tribal income generated from nationwide sales of the processed seed.

The Tribe is a participant in the Bizhibayaash Circle of Flight

ST. CROIX CHIPPEWA INDIANS of WISCONSIN

Tribal Waterfowl Initiative submitted to Congress by the Native American Fish and Wildlife Society and the Bureau of Indian Affairs for FY 1991 appropriations consideration. Under the Circle of Flight project, the St. Croix Chippewa will acquire and manage 320 acres of wetlands for waterfowl habitat and will restore wild rice abundance on a local lake.

The Tribe plans to participate in a ten year comprehensive study, beginning in 1990, managed by GLIFWC, of the interactions between coyote, bobcat, fisher, martin, and their prey. The St. Croix Tribe will provide field staff to the project.

Conservation Enforcement

The St. Croix Chippewa have enforced the St. Croix Tribal Natural Resources Code, which includes fishing, trapping, hunting, and wild rice gathering regulations, from 1980 through the fall of 1990. Funding reductions have forced the St. Croix tribal government to temporarily rely upon wardens from GLIFWC to provide on-reservation natural resources protection. The St. Croix Tribe is requesting funding to reinstate tribal conservation enforcement to permanently protect wildlife populations subject to hunting, trapping, and fishing pressure. In addition, wild or roaming dogs, controlled by the Tribal Warden, continue to pose a nuisance and a health threat to reservation residents.

BENEFITS

Funding the St. Croix Chippewa Indians' FY 1991 Fish and Wildlife Management appropriation request of $108,678 will enable the Tribe to enforce on-reservation conservation codes, rear up to 150,000 walleye fingerlings for stocking in cooperation with the WDNR into northwest Wisconsin lakes, provide labor for and independently conduct game fish population surveys, stock 30,000 largemouth bass fingerlings in area lakes, enhance waterfowl habitats, and contribute to the management of small game.

Each of these activities enhances natural resources to the benefit of both northwest Wisconsin residents and the thousands of sportsmen who vacation here. Walleye and bass are among the most popular fish targetted by anglers. Wild rice provides hunting and recreational opportunities by supplying food and migratory habitat for many species of ducks and geese. Studying wildlife ecology will enable biologists to better manage game for hunting and trapping.

CONCLUSION and SUMMARY of FUNDING PRIORITIES

Priority 1:	Restore FY 1988 funding levels	$ 56,038
Priority 2:	Maintain ongoing biological monitoring, resource enhancement, and conservation enforcement programs	$ 52,640
TOTAL FISH and WILDLIFE MANAGEMENT APPROPRIATIONS REQUEST FOR FY 1991:		$108,678

ST. CROIX CHIPPEWA INDIANS of WISCONSIN

FISH and WILDLIFE MANAGEMENT FY 1991 APPROPRIATIONS REQUEST

ANNUAL BUDGET NARRATIVE

SALARY

Three full time positions
One part time position

Tribal Biologist/Natural Resources Program Director
@ $13.08/hour x 2080 hours/year = $27,206.00
(program direction: fish, wild rice, and wildlife management)
Fish and Wildlife Technician
@ $9.71/hour x 2080 hours/year = $20,195.00
(fish, wild rice, and wildlife management)
Tribal Warden
@ $8.74/hour x 2080 hours/year = $18,174.00
(on-reservation conservation enforcement)
Natural Resources Aid
@ $5.00/hour x 560 hours/year = $2,800.00
(seasonal assistance in fish and wild rice management)

$ 68,375

FRINGE BENEFITS (1990 level)

The fringe benefit rate, established by the St. Croix Tribal Financial Management Department, includes the following as percentages of salary:

FICA	7.65%	
Federal Unemployment Compensation	6.20%	
State Unemployment Compensation	.0527%	
Workers' Compensation	.0219%	
TOTAL	13.92%	$ 9,518

TRAVEL and TRAINING

Includes travel, training, and related costs for contract related conferences, seminars, and workshops including, but not limited to, conservation enforcement in-service training, pesticide applicator training, wild rice and fisheries technical working group meetings, Native American Fish and Wildlife Society Annual Conference, Bureau of Indian Affairs Annual Conference, Eastern Wildlife Conference, and the Great Lakes Indian Fish and Wildlife Commission Annual Conference. Also includes mileage at 24¢/mile for work use of personal vehicles.

$ 2,210

TELEPHONE

Monthly telephone costs including installation and service for Natural Resource Department employees to provide and collect information from contract related agencies, companies, and individuals.

$ 2,640

ST. CROIX CHIPPEWA INDIANS of WISCONSIN

OFFICE SUPPLIES	
Purchase of office supplies needed to carry out program objectives, including paper, pens, pencils, postage, fax use, photo-copying, office furniture, etc.	$ 640
GAS and OIL	
Includes cost of fuel, oil, and gas line antifreeze for the operation of program vehicles including truck, snowmobile, and boat engine.	$ 1,800
VEHICLE LEASE	
Lease of program 4x4 truck at $300/month.	$ 3,600
INSURANCE	
Program truck insurance.	$ 900
AUDIT	
Semi-annual contract audits at $300 each.	$ 600
OFFICE SPACE	
300 square feet of office space rated at $5.85/square foot shared by the three full time employees.	$ 1,755
EQUIPMENT MAINTENANCE	
Periodic repair and preventive maintenance for program office and field equipment and supplies.	$ 1,200
REARING POND LEASE	
Rent for two walleye rearing ponds at $500 each.	$ 1,000
STORAGE GARAGE LEASE	
Storage for program vehicles, boats, nets, supplies, and equipment to secure against weather, theft, and vandalism.	$ 2,400
EQUIPMENT	
Items required for the performance of contract objectives including an oxygen cylinder, freezer, and a dissecting microscope. All of these will be purchased once, not annually.	$ 2,300
SUPPLIES	
Items required for the performance of contract objectives including water quality test kits, pond fertilizer, fish feed, pisicide, fyke nets, seine nets, dipnets, plankton net, thermometers, canoe paddles, rain gear, waders, snowmobile helmets, books, maps, conservation enforcement uniforms, dog registration forms, and violation ticket forms.	$ 9,740
TOTAL FISH and WILDLIFE MANAGEMENT COSTS - FY 1991	**$108,678**

NORTHWEST INTERTRIBAL COURT SYSTEM

121 FIFTH AVE. NORTH
SUITE #306
EDMONDS, WASHINGTON 98020

Phone: (206) 774-5808

ELBRIDGE COOCHISE
Administrator & Chief Judge

March 23, 1990

Congressman Sidney R. Yates
Chairman, Appropriations Committee
B308 Rayburn Office Building
Washington, D.C. 20515

Re: FY-91 Funding Request

Dear Congressman Yates:

We are submitting testimony and requesting additional funds for the fiscal year 1991 in the amount of TWO HUNDRED THOUSAND DOLLARS ($200,000) to be added to our current base amount ($150,000 cut from FY-90 request, plus for added costs, inflation, etc.)

First, we thank your committee for the add-on this past year of $200,000 to our system, after the cut of $150,000 from the $350,000 your committee proposed for FY-90 and thereafter to our base.

But, with the additional tribes we now are serving, and the increase in other costs, the additional amount is still needed to provide judicial and prosecutorial and other services to our member tribes.

Since we were unable to attend the appropriations hearings this past week, please accept our request for consideration.

Sincerely,

Elbridge Coochise

Elbridge Coochise
Administrator

Enclosure

NORTHWEST INTERTRIBAL COURT SYSTEM

121 FIFTH AVE. NORTH
SUITE #305
EDMONDS, WASHINGTON 98020

Phone: (206) 774-5808

ELBRIDGE COOCHISE
Administrator & Chief Judge

TESTIMONY OF ELBRIDGE COOCHISE
ADMINISTRATOR AND CHIEF JUDGE

My name is Elbridge Coochise, Administrator and Chief Judge of the Northwest Intertribal Court System in Edmonds, Washington. We are requesting TWO HUNDRED THOUSAND DOLLARS ($200,000.00) earmarked for the Northwest Intertribal Court System in western Washington through the Bureau of Indian Affairs funding for FY-91 and thereafter be added to our base amount.

For FY-90, the Congress provided an additional $200,000.00 from our $350,000.00 request, but the additional amount is still needed to provide the services to the 14 member tribes and the services to the two (2) additional tribes, plus other costs and inflation.

The Northwest Intertribal Court System is a consortium of 14 small member Indian tribes in western Washington founded in 1979 which do not have sufficient funds and caseloads to warrant their own individual full-time judges, prosecutors and other judicial personnel. Therefore, the system provides judicial and prosecutorial personnel (via a circuit court system) to these member tribes and other tribes on both a trial and appellate court level.

This system is governed by a Board of Directors comprised of representatives from its 14 member tribes. Tribal enrollment of member

tribes range from about 120 members in the smallest tribe to over 2,000 members in the largest tribe, with the average tribal enrollment being about 600 members.

The system was initially organized in response to the 1979 court decision of U.S. v. Washington, also known as the BOLDT decision, in which the United States Supreme Court affirmed and upheld Indian treaty fishing rights, including the right of Indian tribes to regulate their own members in treaty fishing activities both on and off the Indian reservations. This Supreme Court decision required Tribes to provide adequate enforcement in order to self-regulate fishing. The Boldt decision underscores the need for strong tribal courts capable of exercising tribal sovereign powers in western Washington.

Since that Supreme Court decision, NICS member tribal courts have exercised jurisdiction far beyond regulating and enforcing fishing activity. In 1978 the Congress enacted the Indian Child Welfare Act which, among other things, confirmed tribal jurisdiction in Indian child custody proceedings and required the transfer of jurisdiction of such proceedings from state courts to the tribal courts. Further, recent federal policy encouraging and promoting tribal self-government and economic development in Indian communities has led tribal governments to develop, implement, and enforce ordinances and regulations concerning general law and order, traffic control, business regulations, housing, zoning, environmental controls, and other subject areas, such as hunting, now considered as important an issue in Washington as fishing was at the time of the Boldt decision in 1979.

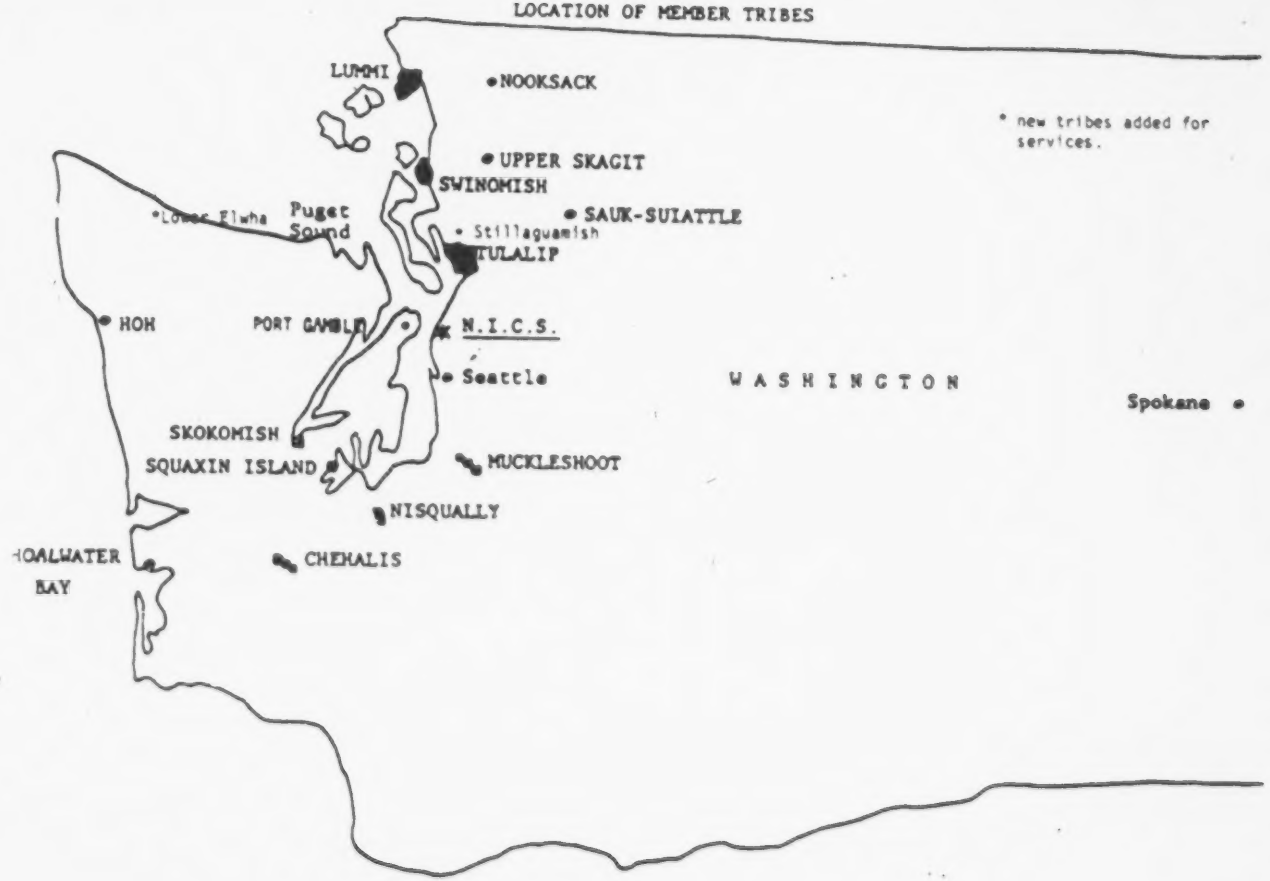
Consequently, the workloads of tribal courts have increased dramatically and expectations of better and improved court systems require the level of

funding for quality services from their court system. The increase, less the $150,000.00 of last year, is not sufficient to provide the needed services to the members and additional tribes.

The insufficient financial assistance does have a detrimental impact on the level and quality of services provided to the Indian tribes. The system needs four full-time judges, four prosecutors and support staff to adequately serve its member tribes. The caseload has increased and requests by tribes for a tribal Presenting Officer in child welfare cases is needed for representation in state and tribal courts. Wages for existing NICS judges and prosecutors are still at a level far below that of comparable positions in non-Indian judicial systems.

For these reasons, the Northwest Intertribal Court System requests that it be funded for the next fiscal year the additional amount of $200,000.00. This amount will help bring judicial services to the level needed for satisfactory tribal self-government.

We respectfully request that appropriate funding be added to our base, so that we may continue to implement the policies of this nation and the laws of the Indian tribes which we serve.


LOCATION OF MEMBER TRIBES
LUMMI
NOOKSACK
* new tribes added for services.
UPPER SKAGIT
SWINOMISH
Lower Elwha
Puget Sound
SAUK-SUIATTLE
Stillaguamish
TULALIP
HOH
PORT GAMBLE
N.I.C.S.
Seattle
WASHINGTON
Spokane
SKOKOMISH
SQUAXIN ISLAND
MUCKLESHOOT
NISQUALLY
CHEHALIS

NORTHWEST INTERTRIBAL COURT SYSTEM

MILEAGE CHART

from NICS office in Edmonds, Washington

	TRIBE/AREA	ONE-WAY	FERRY ROUTE ONE-WAY	ROUND TRIP
1.	Chehalis	104		208
2.	Hoh		151	302
3.	Lummi	89		178
4.	Muckleshoot	53		106
5.	Nisqually	77		154
6.	Nooksack	95		190
7.	Port Gamble		9	18
8.	Sauk-Suiattle	71		142
9.	Shoalwater Bay	162		324
10.	Skokomish	112		224
	" (Hood Canal/Kingston)		66	132
11.	Squaxin Island	96		192
12.	Swinomish	59		118
13.	Tulalip	27		54
14.	Upper Skagit	66		132
15.	Lower Elwha (new)		70	140
16.	Stillaguamish (new)	37		74
OTHER				
15.	BIA Puget Sound Agency (Everett, Washington)	17.5		35
16.	BIA Portland Area Off. (Portland, Oregon)	190		380
17.	SeaTac Airport	31		62
18.	CPA Office (Lynnwood, Washington)			13.7

Board of Directors

National Advisory Council

National Center
for American Indian Enterprise Development

TESTIMONY OF

PRESIDENT STEVEN L. A. STALLINGS

UNITED INDIAN DEVELOPMENT ASSOCIATION

PRESENTED TO THE

HOUSE INTERIOR AND RELATED AGENCIES

APPROPRIATIONS SUBCOMMITTEE

ON THE FY91 APPROPRIATIONS

FOR THE BUREAU OF INDIAN AFFAIRS

MARCH 30, 1990

National Center Headquarters
9650 Flair Drive, Suite 303
El Monte, California 91731
1-800-423-0452 outside CA

Pacific Region
9650 Flair Drive, Suite 303
El Monte, California 91731
(818) 442-3701

Southwest Region
2111 East Baseline Road, Suite F-8
Tempe, Arizona 85283
(602) 831-7524

Northwest Region
411 J Street, Suite 7
Eureka, California 95501-0681
(707) 445-8888

Our testimony will show how the Congress as well as Indian tribes and individual entrepreneurs can benefit from the development of Indian enterprises. We will analyze the problem to be overcome, demonstrate a proven approach to the problem, and propose a American Indian National Center for Reservation Economic Development, built on the success of the 19-year old United Indian Development Association.

INTRODUCTION

Before discussing the problems affecting Indian enterprises, let us summarize some positive attributes of many existing and potential Indian reservation businesses.

Tribes eagerly seek to expand reservation employment and the economic impacts of reservation enterprise development. Tribal governments have worked successfully with General Motors, Brunswick Corporation, Utah International, Peabody, and General Dynamics, under a variety of arrangements and reservation business relationships. In many cases, tribes have invested substantial capital, land, facilities, and natural resources to ensure the success of their enterprises, and have been very accommodating to off-reservation partners, customers, and suppliers. Where management is astute, Indian labor clearly has demonstrated high productivity, low absenteeism and turnover. Several examples of successful reservation enterprise development give us hope that with the proper leadership and resources, many other Indian businesses can grow and prosper in America.

The Turtle Mountain Manufacturing Company, in Belcourt, North Dakota, employs 160 people in its 110,000 square foot facility, manufacturing primarily small cargo military trailers and related truck body metal fabrications. The company's customers include the Army, National Guard, General Electric, Ford Motor Company, and Martin Marietta. Annual sales of $18 million have enormous positive impacts on the Chippewa reservation.

Assisted by the Raytheon Service Company, Laguna Industries at the Laguna Pueblo in New Mexico, has achieved sales of $50 million in contracts with the U.S. Army Information Management Command.

In just a short two years from start-up, the Dakota Tribal Industries, Inc., in Fort Totten, North Dakota, has reached sales of $6 million with a work force of over 150 people. Dakota Tribal Industries is a supplier of coated canvas cases and matting products for the armed services. Owned by the Devils Lake Sioux Tribe, the company also serves as a subcontractor to the Brunswick Corporation and Devils Lake Sioux Manufacturing, another tribal enterprise with sales of $17 million annually. Devils Lake Sioux Manufacturing employs 270 people on the reservation.

Begun in 1974 as a manufacturer of camouflage netting, A & S Tribal Industries on the Fort Peck Indian Reservation in Popular, Montana, has expanded to aluminum formed products and commercial printed circuit boards. The tribally owned business employs 500 persons, and the company's sales exceed $22 million annually.

The accomplishments of the Mississippi Band of Choctaw Indians over the last decade have been phenomenal. Starting with zero private sector jobs in late 1978 the tribe now has 1,400 such jobs (70% of them held by members of the tribe), and is continuing to create even more. The basis of the tribal economy, once again, is manufacturing, with the tribe ranking as the largest employer in Neshoba County, Mississippi, and the 15th largest employer in the state. In six manufacturing plants, the tribe manufactures automotive wiring harness assemblies, circuit boards, small electric motors, automobile radio speakers, and equipment wiring and cable, and hand-finished greeting cards. Customers are the Ford Motor Company, Chrysler, Xerox, Navistar, Westinghouse, United Technologies, and the American Greetings Corporation. Recently the tribe has opened a modern, 120-bed nursing home and a commercial shopping center, which together have added another 150 new jobs. The tribe is looking into additional manufacturing, commercial, and financial activities, including two new tribal enterprises and a banking institution. Tribal enterprise sales are now in excess of $43 million annually.

Unlike other minority groups in America, no national resource or clearinghouse has been available for those seeking possible business relationships with Indians. The creation of a national center will help Indians achieve parity with other minority firms on a per capita basis in terms of numbers of businesses and gross receipts.

For many years, industry has sought linkage with an American Indian business network to offer Indians competitive bidding opportunities. Many corporations seek participation with Indian businesses to expand their markets and their pool of qualified suppliers, as well as to demonstrate compliance with government regulations. Financial institutions seek Indian businesses as well, and gain the benefit of complying with Community Reinvestment Act (CRA) requirements at the same time as Indian businesses gain access to significant financial resources.

The Bureau of Indian Affairs, the Senate Select Committee on Indian Affairs, and most state and local governments have been frustrated by the lack of a central source of fundamental data affecting Indian economic development. A National Center will provide these services.

The National Center could also serve as a creative intermediary between major corporations and Indian businesses so that neither has to do original discovery work in developing business relationships. Off-reservation corporations will profit

from doing business on the reservation through such advantages as an abundant labor force of American citizens, vast land and resources, and possible tax advantages associated with reservation businesses.

1. Problem Definition: Inadequate Business and Economic Development On Indian Reservations

Rapid change epitomizes so much of our American culture and technology! In Indian Country, however, many conditions woefully seldom change.

A time-enduring problem is that most Indian reservations are characterized by low economic activity with few tribal enterprises and few Indian business owners and operators. The lack of meaningful Indian participation in the free enterprise system contributes directly to high unemployment, underemployment, and other socio-economic and educational problems on and off reservations.

Myriad factors contribute to this perennial problem. The matrix, as Appendices 1, highlights 16 social, educational, economic, and governance variables that Indian tribes must address in order to promote business and economic progress on their reservations.

To date, few reservations have developed all of these economic development success factors. Take a close look at three major problems that are singularly economic in nature.

A. Too Few Indian Businesses. There are not enough tribal and Indian-owned enterprises providing jobs and income to Indians. Also, start-up and existing businesses need management, technical support, and financial resources to survive and expand. According to the most recent data, the 1982 Survey of Minority-owned Enterprises, the number and gross receipts of American Indian businesses are behind what they are for other minority groups on a per capita basis. Appendices 2, highlights this discrepancy.

The above data indicate that American Indian per capita ownership represents 1.8% and gross receipts represent 1.4% of that for other minority businesses in the United States. Therefore, an increase in Indian business ownership is needed. American Indian business ownership has increased only 34.8% from 1972 to 1982 compared with a 500% increase for businesses owned by Asian and other minority groups.

Indian and tribal firms are, however, engaged (but under-represented) in all industries including: construction, manufacturing, transportation and utilities, wholesale trade, retail trade, finance, insurance, real estate, tourism and selected services. Appendices 3 depicts the percentages of these major business areas, based on the 1982 data from the U.S. Bureau of Census. Existing Indian business firms can be a greater source

of supplies and services, as well as employment opportunities for rural communities.

B. Economic Blight on Indian Reservations. North American Indian communities are characterized by stagnant economies, inadequate human services, and underdeveloped capabilities to promote sustained business development on their own. Indian tribes have an impressive array of natural and human resources. Appendices 4 summarizes some of these natural resources - on which current and future business development can capitalize.

What Appendices 4 depicts is that the Bureau of Indian Affairs (BIA) holds millions of acres of land in trust for Indian tribes and Indian individuals. In turn, tribes and individuals have significant resource holdings in forests, farm and ranch lands, minerals and energy resources, water, fisheries and aquaculture, and recreational resources. Where physical resources are not abundant, the human potential of the Indian population is a resource.

A basic question is why such a small number of people with significant resource holdings continues to be so poor? What remains a mystery is the path through these obstacles to successful business development on reservations. Very little is done on Indian reservations to foster a self-sustaining private sector which is capable of contributing (through taxes) to the social, cultural, or governance goals of Indian tribes.

C. Capitalization Obstacles for Indian Tribes and Businesses. Overriding contributors to business development problems on Indian reservations are the lack of capital and the historic inability of reservation projects and Indian enterprises to access financial markets. The "capital" problems that reservations face essentially are several and include:

- o limited access to capital for business development;
- o the trust status of Indian reservation property and jurisdictional impediments to securing credit for business development;
- o the perceived, and often superficial, impediments caused by tribal instability and inexperienced management; and

All of the above must be overcome to foster reservation businesses and economic progress.

Several current indicators suggest that Congress is more interested than ever before in helping Indian businesses overcome their capitalization obstacles. The reintroduction of the Indian Development Finance Corporation Act S.141, is designed to at least partially fill the capital gap. Simultaneously, the pending Indian Economic Development Act, is receiving attention as an additional program to create a conducive environment for attracting private sector industry to reservations. Finally, the

reauthorization and 1988 amendment of the Indian Finance Act, amending the Buy Indian Act S.321 and special Department of Defense initiatives are targeted on improving current financing programs as well as increasing business opportunities for Indians and tribes.

However, without a national resource outside of the bureaucracy, there is little likelihood that these developments will have a comprehensive and coordinated impact on Indian reservations.

2. Problem Solution: Establishment of an American Indian National Center for Reservation Economic Development

We recommend establishment of an American Indian National Center for Economic Development to initiate research, compile economic data, and serve as an information resource for Tribal governments in the field of American Indian economic development; assess training needs, create effective training models, implement training programs, and develop longitudinal evaluation data on financial assistance-training effectiveness in the field of American Indian economic development, including entrepreneurship; and operate a technical assistance clearinghouse for American Indian economic development to identify cost-effective delivery systems, determine effective technical assistance resources, and provide Tribal Governments and American Indian entrepreneurs with relevant economic-cultural impact assessments to ensure economic development initiatives are sensitive to Tribal values. This American Indian National Center shall be awarded contracts under the Bureau of Indian Affairs in five year increments to allow for longitudinal data collection and research, as follows:

Year 1	$ 500,000
Year 2	1,000,000
Year 3	2,000,000
Year 4	1,500,000
Year 5	1,000,000

The Center will operate with independence from the Bureau of Indian Affairs by provision of a National Advisory Council for American Indian Economic Development to provide policy and program direction and oversight. The Council will be comprise primarily of American Indian experts in economic development selected by the President and approved jointly by the Select Committee on Indian Affairs of the U.S. Senate and the Committee on Interior and Insular Affairs of the U.S. House of Representatives.

Appendices 1

Abundant Labor Force	Low-Cost Labor	Good Work Ethic	Low Absenteeism Rate
Available National Resources	Available Capital Resources	Proximity To Market Areas	Skilled Labor Force
Political Stability on Reservation	Adequate Roads or Rail Transportation	Suitable Transportation Equipment	Adequate Utility Services
Marketable Product	Low Incidence of Alcoholism	Low Incidence of Drug Abuse	High School Education or Better

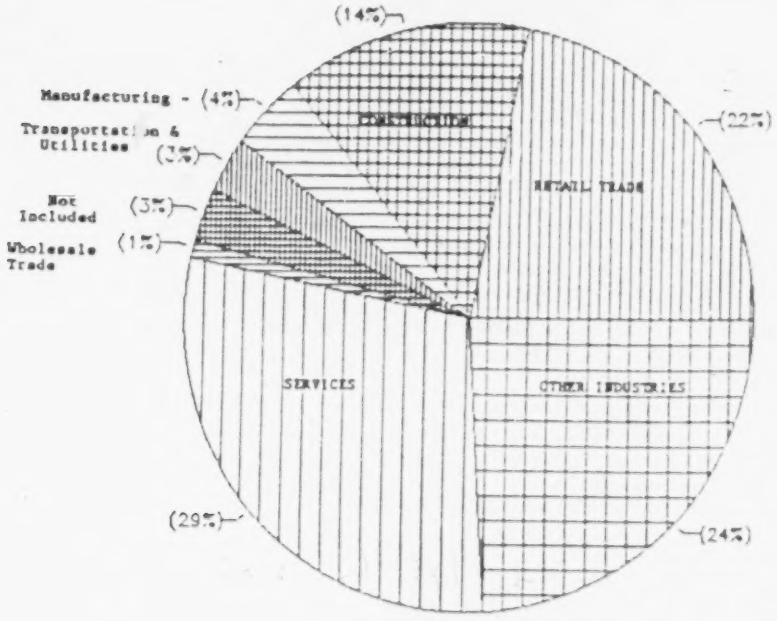
Appendices 2

Firms Owned By Hispanics, Blacks, Asians, Other Groups, and American Indians: 1982
(Source: U.S. Bureau of Census)

Minority	Firms (Number)	Receipts
Hispanics	248,141	$14,976,337 billion
Blacks	339,239	12,443,572 billion
Asians and Other Groups	240,799	17,265,399 billion
American Indians/Alaskans	14,843	646,749 million
TOTAL	843,022	$45,332,057 billion

Appendices 3

Current Industry Areas for American Indian and Native Alaskan Firms



Appendices 4

Indian Tribes Possess 51.8 Million Acres of Land

- 5.3 Million Acres Of Commercial Forest On Indian Land
- 2.5 Million Acres In Crop Area
- 44 Million Acres In Range & Grazing Land
- 4% Of U.S. Oil & Gas Reserves
- 40% Of U.S. Uranium Deposits
- 30% Of Known Western Coal Reserves
- $1.5 Billion In Royalty Payments Held In Trust

WITNESSES

	Page
Aberny, Arnold	
Agard, A.S	685
Allen, Gary	719
Allen, W.R	629
Allery, Don	227
Anderson, James	636
Anderson, Ward	221
Antone, M.A	477
Aoki, L.M	181
Archambault, Donovan	516, 698
Badoni, Phyllis	558
Bahe, Lorena	58
Balim, Rick	45
Banks, John	247
Begay, Eugene, J	670
Begay, J.C	452, 678
Bennett, George	63, 76
Bereuter, Hon. Doug	663
Black Elk, Charlotte	903
Black Mesa Community School Board	70
Blackhawk, John	868
Bordeaux, Irene	174
Bordeaux, L.R	987
Bouschor, Bernard	987
Boyd, Roger	584
Brigham, Kathryn	495
Bristol Bay Area Health Corporation	400
Brown, Daniel	946
Cagey, Sam	928
Call, L.K	536
Campbell, B.N	603
Cape, Iilene	511
Cimini, Dora	477
Cohoe, Bennie	611
Concha, Mike	83
Coochise, Elbridge	913
Cook, Carl, Jr	1021
Cornelius-Taylor, Carmen	388
Cowapoo, Rod	39
Crouch, James	395
Curtis, Jeff	477
Dahle, Edwin	400
Davis, Julie	510
	967

	Page
Davis, Tim	603
Decker, Daniel	354, 704
Deer Smith, M.H	433
DeLaCruz, J.B	202
Dick, Ernest	45, 795
Dickie, Gordon	1
Doss, Dr. Michael	28
Ducheneaux, Wayne	450, 545
Dupuis, George	656
Eddy, Daniel	698
Edmo, L.P	94
Farmer, Wendy	685
First Nations Financial Project	984
Flett, Joe	284
Fowler, A.J	918
Fowler, L.C	918
Francis, Melvin	124
Frank, Billy, Jr	221, 293
Funk, Karen	28
Gahbow, Arthur	643
Gaiashkibos	678
Garcia, Martha	83
Gastelum, Arcadio	911
Gay, Rick	322
George, Georgia	255
Gipp, David	99
Gishey, Laurence	773
Goff, Ralph	465
Gokee, Marla	422
Gouin, Robert	242
Greene, Daniel	233
Greger, G.K	263
Gross, H.M	1005
Growes, H.J	343
Gurnoe, Richard	621
Hamblen, J.J	462
Hargrove, Roleen	193, 368
Harris, Lucy	926
Harrison, David	692
Hawk, Theresa	112
Hawkins, Russell	99
Hearst, Mark	149
Hendricks, Dennis	477
Higheagle, Ray	725
Hillman, Leaf	712
Hodge, Felicia	821
Holvey, Sherman	407
House, Ernest, Sr	360
Hualapai Tribal Council	840
Hutchinson, Burton	923
Incashola, Antoine	354
Jackson, Zane	305
James, Jewell	536
Janger, S.A	981

	Page
Jemewoulk, John	845
Joe, Robert, Sr	247
Johnson, Julie	268
Jones, S.G	875
Jordan, Danny	504
Jourdain, R.A	638
Karshmer, Barbara	465
Katz, Harmon	414
Kaufmann, Joan	334, 382
Kent, Deane	603
Kerkmans, Marcel	52
Kildee, Hon. D.E	599
Kimble, Gary	155
Kimbol, C.E	328
Kino, Peter	149
Kitcheyan, Buck	940
Kleit, Stuart	9
Kogovsek, Ray	360
Kopansky, Ralph	268
LaFountaine, Misti	274
Lay, Dennis	872
Learned, Juanita	788
LeBeau, Rondell	725
Lee, Alfreda	21
Lee, Jeannette	375
Lehi, Johnny	739
Levi, Carl	795
Lewis, R.E	933
Little Singer Community School Multi-Purpose Facility	1001
Littlefield, Ted., Sr	388
Lonefight, Edward	809
Lopeman, David	242
Lopez, Percy	181
Lucero, Alvio	139
Lucero, Gilbert	149
Lupkins, L.J	597
Magee, Dennis	465
Maloney, D.M	963
Mankiller, W.P	968
Manning, Lindsey	348
Manual, Edward	181
Manuel, Laura	477
Marks, Patty	459, 603
Marrs, Sophie	430
Martens, T.A	865
Martin, Phillip	950
Martin-Kekahbah, Twila	274
Masten, Sue	187
Matt, D.F	311
McCabe, Preston	58
McGeshick, John	965
McGhee, R.D	552
McGruther, Faith	578
McMinds, Guy	400

	Page
Mercier, M.A	317
Merrival, Joe	895
Metoxen, L.V	437
Miller, Elwood, Jr	328
Miller, Glen	1
Minthorn, Antone	322
Moon, Mel	212
Moore, Donald, Sr	617
Moore, Robert	764
Morgan, Raymond	14, 39
Morgenroth, Chris	212
Morris, Doran, Sr	757
Murphy, C.W	721
Naiberk, D.B	899
Navajo Area School Board Association	944
Naylor, Neddeen	477
Neptune, Jeannette	131
Norman, Pat	831
Norton Sound Health Corporation	977
Olney, R.E	375
Oneida Indian Nation of New York	856
Ott, B.D	859
Pablo, Michael	354
Parker, Jeff	597
Patawa, E.H	322
Peebles, John	757
Peregoy, Robert	739
Pesata, Levi	747
Peters, James	242
Peterson, Paul	826
Phillips, Mark	311
Pinkham, Allen	334
Pino, A.M	83
Platt, John	395
Plummer, Marshall	495
Presley, Adelaide	465
Press, Daniel	745
Ramirez, Richard	181
Ramon, Al	181
Renwick, Don	193
Reynolds, S.E	893
Rice Lake Band	959
Richardson, Hon. Bill	932
Risling, Dale	504
Robinson, Rose	92
Roessel, Faith	803
Rowell, R.M	384
Sabattis, Clair	118
Sanchez, Dorian	293
Sappier, James	112
Saulque, Joseph	477
Schlender, J.H	574
Schwalenberg, Dewey	670
Schwartz, Wayne	592

	Page
Schwartzkopf, Larry	656
Segar, Emily	643
Silva, Anita	477
Simone, Jerome	477
Sinyella, Wayne	882
Small, Nathan	685
Smith, J.B	828
Smith, Ken	305
Smith, Rodney	193
Sowmick, Arnold	603
Spain, Carol	866
St. Croix Chippewa Indians of Wisconsin	1016
St. Germain, Henry	629
Stallings, S.L.A	1027
Steeple, Dwight	663
Stensgar, E.L	852
Stensgar, J.C	848
Stump, Rocky, Sr	168
Sullivan, Marie	842
Supahan, Terry	712
Taylor, Jonathan	161
Thomas, E.K	516
Thorne, William, Jr	443
Tiger, Georgiana	764, 780
Tiger, Jane	820
Topash, Tom	663
Tremaine, T.N	299
Tripp, Marie	477
Tutt, J.M	782
Villa-Gomez, Lauren	70
Vining, Len	831
Wadena, Darrel	878
Wadena, Darrell	1011
Washakie, John	923
Wetsit, Lawrence	706
White Plume, Alex	70
White, L.E	916
White, T.R	362
Williams, Kenneth	181
Williams, Randy	328
Williamson, Verna	139
Wolp, Clifford, Jr	737
Wroble, James	712
Wyasket, Pat	343
Wynne, Bruce	284, 861
Yazzie, Duane	21
Zakovec, Pat	650, 654, 670
Zecca, Tony	565
Zorn, James	572

○